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The Washington Monthly

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Letters

Only the Good Die Young

I read with interest your discussion of good products that disappear from markets. Some years ago I conceived of the idea of starting an Internet service to sell such products. People would happily pay a premium price if they could only get those items they've been looking for.

And now the Internet really makes it possible. At very low cost, you can now find those few thousand people who want to buy Rise shaving cream or Breck shampoo.

Heck, I don't see why some company like P&G doesn't just sell this stuff on its own web site. It must have thousands of discontinued products in its own inventory.

BRUCE R. BARTLETT
Great Falls, Va.

You wonder how come excellent products disappear. You are obviously unaware of Block's Law, which I first set forth in a book several years ago: *If it's good, they'll stop making it.*

Incidentally, since you mention the shaving cream loss, whatever happened to the great Wilkinson razor, with its special sure-shot dispenser? Another of the too many too-good-to last products.

HERB BLOCK
Washington, D.C.

One vanished product I surely miss is Pine Bros. honey throat drops—marvelous for the dry throat; not colored sugar, but glycerin. Some company took over the original makers and killed this super product.

ELMER S. NEWMAN
Cleveland, Ohio

Rise was originally a product of Carter-Wallace. It was sold in December 1988 to Faberge, which was then acquired by Unilever in July 1989. Sometime between then and now Rise disappeared from the radar screen. I guess when you sell over 1,800 products, it's easy to misplace one.

By the way, "MacIntosh" refers to a generic product—natural rubber sandwiched between two layers of cotton. It's been replaced by synthetics.

RON FORCE
DEAN OF LIBRARY SERVICES
UNIVERSITY OF IDAHO
Moscow, Idaho

Charles Peters replies:

I'm informed by my old friend L.T. Anderson, columnist for the Charleston Daily Mail (W. Va.), that Rise is still on sale in my hometown at Drug Emporium.

MacIntosh was both a generic and a brand name. The MacIntosh raincoat cost $22 in the early 1950's at the old Abercrombie & Fitch store on Madison Avenue in New York City.

Up on the Farm

I was struck—as so many times before—by the large vacuum the *Monthly* has so often filled. No other magazine, I believe, would have given Senator Byron Dorgan the opportunity to write so powerfully about the family farm in the context of the haunting question of what the economy is for, just as no other magazine had given former Sen. Dale Bumpers the opportunity to enlighten us about the monstrosity that is the Mining Act of 1872.

MORTON MINTZ
Chevy Chase, Md.

Environmental Spillover

I have just read your recent article, "Asleep on the Beat," by Robert Worth. The Connecticut example, which reports unsubstantiated, anonymous allegations as if they were proven fact, suggests that someone linked to the Governor's Office demanded cash from campaign contributors in order for them to avoid enforcement and that the result was no fine for serious environmental violations in a specific case.

These allegations, attributed to Public Employees for Environmental Responsibility have been discredited by at least three separate, independent investigations of the agency. A Connecticut legislative oversight committee, the EPA's Inspector General, and the state's Attorney General all found no wrongdoing.

What were the facts in the Connecticut case? An accidental spill from a chemical manufacturer that resulted in a significant riverine fish kill was cleaned up and remedied within 24 hours at the company's expense. In specific response to this incident, the company was required by DEP to establish a fund in the amount of $75,000 for future river restoration activities to compensate for the fish kill. Routine inspections of the company, covering a period of time which included the date of the spill, showed chronic small violations of permit limits, reporting and monitoring referred to the Attorney's General Office for litigation when the agency's enforcement did not result in settlement, as had been violations of a similar nature a decade or so earlier. As a direct result of my agency's continued, sustained enforcement actions against this company, over $400,000 in penalties and fines have been paid with additional charges yet to be settled. Doesn't sound like a failure to enforce to me.

ARTHUR J. ROCQUE, JR.
COMMISSIONER
STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Hartford, Conn.

Robert Worth replies:

Mr. Rocque is correct that subsequent investigations found no direct relationship between the toxic spill he mentions and campaign contributions, and I regret not having reported that fact. But, the other allegations I reported have not been "discredited," as he suggests. The state Attorney General's investigation was ongoing at the time I wrote the article.

The state legislative committee's investigation found that the state Department of Environmental Protection (DEP), under Mr. Rocque's tenure, had "lost track" of its mission and failed to enforce the law, thanks to "business-friendly" policies.

Regarding the claims of interference by an employee of the governor's office, the committee found that the employee in question had, in fact, meddled in enforcement policy, though it could not find evidence that he affected specific outcomes. With regard to the fish kill, Mr. Rocque fails to mention that the company's alleged cleanup of its toxic spill had nothing to do with the DEP, which was not notified. In addition, the

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DEP's ultimate settlement of the matter included no fine; the "fund" it demanded instead (over two years after the accident) was tax-deductible. As for the total fines and penalties to which Mr. Rocque refers, these occurred over the course of many years, and numerous DEP employees (and observers) believe that the agency's response to this chronic violator has been both slow and inadequate.

Legislating Judges

Thank you for Stephen Pomper's article concerning the Reagan-Bush judicial appointees legislating while in judicial robes. I think the article would have been even stronger if the following had been considered.

First, the judicial activist trend is even more dramatic than a review of Supreme Court decisions might suggest. Activist appellate courts have been quick to ignore agency policy choices or substitute their own—even though Federal agencies have more expertise.

Second, the rationale of devolving power to the states in order to return to our historical roots is a myth. States were not sovereign during the American Revolution, nor under the Articles of Confederation.

Third, devolving power to the states does not solve the problem it is designed to address. If power is devolved to the states, the benefits of a strong central government go with it. For example, the Internet never would have blossomed into such a global force if the federal government had not nurtured it.

We ought to return to the focus maintained by *The Washington Monthly*: getting and demanding effective government, both at the federal and state level.

KIM BRUNO
Washington, D.C.

Leeching Lotteries

In his excellent article, "Snake Eyes," (December 1999) Nicholas Thompson supports his point that lotteries tax the poor by saying, "One Massachusetts study found that the average resident of relatively unaffluent Chelsea spent $455 a year on the lottery while residents of nearby, prosperous Weston spent only $30."

Revenue-starved governments' aggressive promotion of this leech on the poor is probably the strongest argument against the legalization of controlled substances. First century plebes got bread and circuses; 21st century proles may get lotteries and drugs.

PETER D. KINDER
PRESIDENT, KINDER, LYDENBERG, DOMINI
Boston, Mass.

Road Wisdom

I would like to respond to your comments in the January/February issue about truck safety. You wrote that there is no doubt that the media will "follow what is done closely...." I disagree. Automotive advertising is far too large a source of revenue for the media at every level to touch this issue.

TED ISAACS
Cincinnati, Ohio

I enjoyed your segment on how to avoid problems with trucks on the highway and have a few thoughts I would like to share.

Truckers don't like to put on the brakes because of the power-to-weight ratio of their vehicles. A tense braking situation can cause a lot of work to regain speed and shift through 5 or 6 gears. Truckers drive with a degree of finesse that few would appreciate if they did not experience it.

Your readers might also be interested to know that truckers would prefer that people passing them on limited access highways just get the job done. Truckers must monitor the location of other cars constantly in case of panic situations. For example, front wheel blowouts can pull a fully loaded semi across several lanes of traffic in a literal heart beat. I only had one in 10 years of driving but it took me across two lanes and into the median before I could blink. And there was nothing I could have done. It could have been a disaster.

Also a blowout on any other of the 16 remaining wheels could be a big problem for someone next to a disintegrating tire. That is a lot of rubber and steel flying around.

There are too many things to catalogue but I thought you might be interested in these few.

RICH HOPPE
TRUCK DRIVER
Seattle, Wash.

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Tilting at Windmills

BY CHARLES PETERS

Nader's Monks • The Louisiana Sell-Off • The Next Revolution
Red Barns in Iowa • Red Faces at the Post *and* Times

ONE OF THE MOST ASTONISHING developments in America's primary and secondary schools in the last 30 years has been the explosive growth in drug use by the pupils. I'm not talking cocaine or heroin, I'm talking about legal drugs, notably Ritalin. It is the best known of the drugs prescribed for attention-deficit hyperactivity disorder. In a *Washington Post* op-ed Lawrence Diller estimates that four million children are taking Ritalin and one million Prozac or similar drugs. Laurence Zuckerman of *The New York Times* estimates the users at three to five percent of American schoolchildren. In Britain by contrast, he reports that the figure is "fewer than one percent." One can't help suspecting some pharmaceutical companies in the American wood-pile.

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BILL BRADLEY HAD LED AL GORE in New Hampshire public opinion polls for months, but when Gore finally won the primary by a 52-48 margin, the pundits almost acted as if Bradley had won instead of hailing Gore for a come-from-behind victory. Why? One reason is that Gore had, in the 10 days before the primary, overtaken Bradley in the polls and in some for a few days at least he was ahead by a margin greater than he ultimately won by. The other reason is that reporters love a horse race and they don't like to see any candidate anointed too early. They therefore tend to build up the second-place finisher and to disparage any victory less than double-digit. Bill Clinton was helped by this tendency in 1992. It has even affected history. Many people think that Eugene McCarthy won the New Hampshire primary in 1968 and that George McGovern won it in 1972. Actually Lyndon Johnson won in 1968 and did so, incredibly enough, with write-in votes. Ed Muskie beat George McGovern but most people remember that Muskie lost because he cried in the snow. The reason McCarthy and McGovern are remembered as the winners is because that is the impression the media wanted to give.

If Reagan and Bush can be reimbursed for Iran Contra, Clinton should be reimbursed too.

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TWO TRENDS TO WORRY ABOUT on Wall Street are the increase in margin buying and the decrease in long-term investment. Buying on margin, meaning investors borrow up to half the cash from their broker, grew by 62 percent last year. The danger here is that the drop in a falling market will become precipitous as margin-borrowers rush to sell in order to cover their debts. That rush will become especially desperate for those margin borrowers who are also among the millions of Americans who have been ringing up record amounts of consumer debt in recent months.

As for the decrease in long-term investment, 79 percent of the shares of companies listed on the New York Stock Exchange were traded last year compared to 46 percent in 1990. In other words, most investment was long-term back then. Now only 21 percent is. On NASDAQ the situation is even worse. The turnover was more than 200 percent last year. This means more people in a hurry to get rich and more people getting involved in day-trading and other lunacies. "Today stock market investors are trading more frequently than they have since the 1920s," reports *The New York Times*, and you know how that decade ended. Similar turnover also happened in 1901 followed by the Panic of 1903 and again in 1905 followed by the Panic of 1907.

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RIGHT-WINGERS HAD BEGUN TO froth at the mouth over recent news stories suggesting that the Clintons were going to ask the government to pay their legal bills. But the president told Larry King on December 23rd: "I've never considered doing that."

My own feeling is that he is entitled to reimbursement for all the fees he incurred until he lied in sworn testimony. This occurred in January 1998. All of Hillary Clinton's legal expenses should be reimbursed. She was never shown to have done anything wrong beyond being excessively defensive. (Okay, she probably did conceal those billing records for a while, but the point is that they contained no evidence that she had committed a crime.) As for the president, Ken Starr totally failed to find him culpable in Whitewater, Filegate, or Travelgate. If Ronald Reagan and

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George Bush could be reimbursed as they were for their legal expenses stemming from Iran-Contra, Bill Clinton shouldn't have to pay a dime for defending himself against the unjust and unproven charges of Whitewater, Filegate, and Travelgate.

In fact, the case for reimbursing Clinton is better. He lied about a private sexual matter. They lied about their public duties.

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HAVE YOU NOTICED HOW frequently the word "extraordinary" is employed by people who are trying to appear high-toned? The other night during a PBS special on Greece, the narrator managed to use it twice in less than five minutes.

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ONE OF THE BEST EXPLANATIONS of John McCain's appeal to thoughtful people is this list of his main congressional enemies that appeared in the February 21 issue of *U.S. News and World Report*: Trent Lott, Tom Delay, and Mitch McConnell.

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IN HIS NEW BOOK, *A Vast Conspiracy*, Jeffrey Toobin explains why Clinton had to endure investigation after investigation:

"[The] belief was pervasive among those who tried to drive the president out of office—that some grander conspiracy was sure to be uncovered, just over the horizon. Of course this evidence was never located because it didn't exist.... [T]he case was never anything more than it appeared to be—that of a humiliated middle-aged husband who lied when he was caught having an affair with a young woman from the office."

Toobin's book and the one by Joe Conason and Gene Lyons excerpted in this issue should redden a lot of faces at *The New York Times* and *The Washington Post.* Time after time their reporters got the story wrong, mostly because they were conned by anti-Clinton sources who they wanted to believe because the allegations were so juicy. Just for example, I urge you to read pages 284-85 of Toobin for a devastating demonstration of the high percentage of falsehood and misleading innuendo in a February 5, 1998 story by Susan Schmidt and Peter Baker in *The Washington Post.*

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PLEASE READ OUR DEBATE between Malcolm Gladwell and Adam Gopnik. Gopnik eloquently presents the case for universal health care. I agree with him. As I never tire of asking my friends on the Christian Right, wouldn't Jesus want everyone cared for? Gladwell is also convincing as he argues that we don't want American medicine to lose its cutting edge. But I can't resist pointing out that one of his examples of American leadership, the development of advance procedures for emergency care, was the product of the socialized medicine practiced by the U.S. Army in Vietnam. We hope you too have points you can't resist adding to this important debate. Your letters and email will be welcomed.

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ALTHOUGH BOTH *The Washington Post* and *The New York Times* have had to endure a good many slings and arrows from this column over the years, there is much that I admire about both papers. They are far ahead of the competition in the number of Monthly Journalism Awards they have won (see pg. 16 for their latest). The most recent occasion for applauding them is not the awards they get but the awards that they give. These are to outstanding principals and teachers in the Washington and New York areas. These people get so little in the way of material reward that it's crucial for society to find other ways of honoring their contributions. And few rewards equal praise from your home-town paper.

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MY FRIEND MICKEY KAUS of Kausfiles.com recently published a critique of my friend Jason DeParle's reporting on welfare reform in *The New York Times.* Kaus, who campaigned for welfare reform, is understandably less enthusiastic about reports that show the ways it is not working. But DeParle's reports ring true to me. The most recent describes the extent to which life remains unchanged for the poor. That doesn't mean that Kaus is all wrong. To me he's a great hero for having persuaded a critical mass of liberals to support welfare reform. The fact that some problems remain doesn't mean he wasn't right that we had to get rid of the old welfare system. It just means that we should join DeParle in facing those problems.

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IF YOU HAVE DOUBTED ME WHEN I've said that the work of Supreme Court justices is not excessively demanding, consider that in 1900 the court heard 157 argued cases for which opinions were written. In 1999, the figure was 84.

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THE MOST DIFFICULT WELFARE-to-work challenges come from the multiple-obstacle cases where the women encounter difficulty not only in finding jobs but in arranging the training they need, transportation to the training site or to the job, and day care for their children. Combined problems like these can in themselves be defeating and when they are compounded by addiction or by a boyfriend who is abusive or ridicules work, they spell disaster. Women facing such overwhelming odds against success in the job market need help. That is why the most important of DeParle's articles seems to me to be the one that he wrote in *The New York Times Magazine* in December 1998. It emphasized the need for able social workers to provide that help and explained that there weren't nearly enough of them. We aren't going to have much success cracking the hard cases unless we make a crash effort to attract a lot more good people to the challenge of

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helping women move from welfare to work.

Another reform obviously needed now is to radically upgrade the day care available to welfare mothers. A study of 1,000 single women moving from welfare to work found, according to *The New York Times*, "that many of their children had been placed in child care where they spent hours watching television or wandering aimlessly and had little interaction with their attendants." It's as if we were deliberately trying to create a new generation on welfare!

To be deprived of physical affection is too hard a prospect for most of us to face.

We can also learn from the states that have been most successful. Indiana has the best record for getting welfare recipients into jobs. And Minnesota does the best at keeping them in their jobs and increasing their earnings. Let's hope reporters like DeParle will study what those states do to find out if it can be replicated elsewhere.

One thing is for sure. We need to change the "reform" rules that actually discourage women from trying to improve their lot. In West Virginia, one mother, who was taking a full-time college program and working 25 hours a week while caring for her two daughters, was told that she had to increase her work to 35 hours a week. That, to put it simply, was both crazy and cruel.

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THE FED, CONTINUING TO FEAR that low unemployment will lead to inflation, raised interest rates again in February. That fear which once held that unemployment below six percent would produce inflation has had to be steadily readjusted downward to the present rate of four percent. And despite the Fed's fears, there's evidence that it could go lower. Colorado, Virginia, Minnesota, and Nebraska already have rates below three percent, according to an article by William Drayton in the *Los Angeles Times*. The Raleigh-Durham area in North Carolina is down to 1.6 percent. I haven't heard anything about rampant inflation in any of these places.

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THERE ARE 4 MILLION CHILDREN without health insurance on the school lunch program. Many of them could be covered by CHIP, the Children's Health Insurance Program. But federal law forbids the lunch program, according to *The Wall Street Journal*'s Shailagh Murray, from giving the CHIP program information it needs to enroll the kids.

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HAVING GONE OUT ON A VERY long limb in December to say that for the Democrats to win they had to stop being ashamed of Bill Clinton and take pride in his administration's record, you can imagine that I was not exactly displeased by a January 26 *Washington Post* report from New Hampshire. "Gore embraces Clinton's record as New Hampshire voting looms," followed by a February 3rd post-election story, "Clinton is providing a crucial ace in the hole for Gore."

Although, on the whole, I applaud Clinton's record in the White House, there is one thing about him that drives me bats. It's not his sex life or his lies about it. I know too many people for whom I have affection and respect and who have also had embarrassing romantic adventures about which they have from time to time prevaricated. No, it is not sex. It is his inattention to the government under him. What he cares about is policy. And at the policy game, he is very good indeed. This was evident as early as in the economic summit in Little Rock in November 1992. He's like the political scientists who love to talk policy but don't bother to find out about how it's being implemented. He lacks FDR's sublime curiosity about what's going on down below. The result is that while Clinton's policies are often admirable, their execution leaves something to be desired. Consider three recent bureaucratic scandals: The revelations that "thousands of errors were being made in VA Hospitals, many causing death," (*The Washington Post*, December 20, 1999), "Pilot in Fatal Crash Faced Sanctions for Past Mistakes," (*The New York Times*, December 23, 1999), and "Earlier Gene Test Deaths Not Reported," (*The Washington Post*, January 31, 2000). Each of these dealt with problems an attentive president would have known about: the FAA's dangerous indulgence of bad behavior by private pilots, incompetence in the Department of Veterans' Affairs, and inadequate oversight of researchers by NIH. As we have already pointed out, these lapses by Clinton are not atypical. From Waco to the IRS, he's shown that too often he doesn't pay enough attention to what his subordinates are doing until it's too late.

While Clinton may be unique among recent presidents in his passion for policy, similar indifference to what's going on down below has been manifested by most of the other presidents of the last 30 years. One reason may be that the White House has become a world isolated from everything but its own concerns and the problems that the headlines compel it to face.

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THE NUMBER OF NUNS IN THE United States has dropped from 179,000 in 1965 to 82,000 today. This is bad news for the Catholic Church because as Notre Dame's Scott Appleby tells *The New York Times*, "Sisters really did build the Catholic Church through their teaching in the parochial school system and their staffing of Catholic hospitals." It's also bad news for the rest of us because we need the schools and the hospitals. Why not lift the requirement of chastity? Or at least permit

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nuns to marry? They could still devote their working lives to the service of their faith. I'm aware that the bishops are not likely to leap to embrace either proposal. But I am reminded of an idea that Ralph Nader once mentioned to me in conversation. Why not have secular monks? People who devote their lives to service without regard to material gain, who surrender dreams of affluence in favor of a life devoted to helping others. To be deprived of physical affection is too hard a prospect for most of us to face. And many people have trouble accepting organized religion. But they should not be deprived of the opportunity to serve. Or the challenge to serve. This means we need new institutions that will offer that opportunity and that challenge.

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PASSENGER COMPLAINTS ABOUT the 10 major U.S. airlines grew by more than 150 percent in just the last year. American Airlines is feeling the heat enough to widen the space between rows of seats. But the increase—from three to five inches depending on the aircraft—strikes me as too little and too late to appease the millions of airline coach passengers who have to endure the miserable conditions of today's steerage. Not only are they packed into too little space and given snacks that are barely edible, they know that just beyond the curtain first-class passengers are being wined and dined as they lounge in roomy seats solicitously served by flight attendants who always seem to rush by you during their rare appearances in the rear. I see the ingredients of the next great revolution. All we need is a Madam Defarge in seat 32F.

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THE MAJOR FACTOR NUDGING prices up recently is the price of oil. This was also true of the two bouts of double-digit inflation in the 1970s. What we thought then was why doesn't the government target the specific problem of oil prices, instead of taking down the whole economy through high interest rates. Oil is not as big a factor in the economy today but as its recent impact demonstrates, it can still cause trouble. Energy Secretary Bill Richardson says he's going to do "something" but he has ruled out taking the step that Senator Charles Schumer has urged and that seems most sensible to us: Threaten to sell enough of the oil in our Louisiana reserve to bring prices down to a level where they no longer pose any inflationary danger. As prices come down we can replenish the reserves and incidentally pocket a neat little profit for the taxpayer. If you don't like this idea please come up with another strategy for countering OPEC's cartel pricing. The free market doesn't always afford protection against monopoly power.

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WE LIKE NEW YORK GOVERNOR George Pataki's proposal to deal with the teacher shortage by offering to pay the college tuition of students who agree to teach in New York for four years. This is another version of Adam Walinsky's Police Corps idea, which offers a similar deal to students who agree to join the police force for four years. That, too, was a good idea when he originally proposed it years ago and it's a good idea now. Walinsky, by the way, was the closest to Robert Kennedy of all his aides. Fittingly enough, his idea has been adopted by the state of Maryland where RFK's daughter, Kathleen, is lieutenant governor.

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1,543 CITIZENS' COMPLAINTS about police brutality have been substantiated by the Civilian Complaint Review Board of the New York Civil Liberties Union since 1996, according to *The New York Times*. Guess how many of these cases resulted in punishment of the officer involved? Only 24 percent.

If you are wondering whether the situation could be worse, consider the reaction of the Chilean government to the 40,000 cases of civilian torture under the Pinochet dictatorship. According to another article in the *Times*, "no torturer has been investigated, no torturer has been tried, no compensation has been paid."

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CONGRESS-BASHING IS A COMMON practice here in Washington. Often it is justified. But sometimes, the fellows do something good. An example is providing money in last year's budget to encourage smaller high schools. One in 10 of America's high schools has more than 1,500 students. The Columbine-style institutions are just too big. Many students get lost in the shuffle. Rep. Baron P. Hill, the Indiana Democrat who sponsored the smaller high school measures says 600 students is a good size to aim for. Makes sense to me.

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I WAS HAPPY TO SEE "AIR TIME IS Money, Networks Not Eager to Give Candidates Access" by Howard Kurtz in *The Washington Post*. Few reporters and few newspapers have campaigned for free time for political candidates. One reason is that so many newspapers like the *Post* also own television stations and make a lot of money from political commercials during the months leading up to elections.

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HAVE YOU EVER WONDERED WHY so many barns are painted red? According to Dirk Johnson of *The New York Times*, it's because "the pigment oxide was cheap and durable." This interesting tidbit was contained in an otherwise depressing article about the rapid disappearance of the wood barn from rural America. Iowa alone is losing 1,000 wood barns a year. They're being replaced by metal structures. "The whole countryside is soon going to look like an industrial park with all those metal buildings," Jacqueline Shmeal, an Iowa preservationist, told Johnson. "Those barns are America's best example of folk art. It's terrible to lose them." Amen. ●

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Chemical companies and environmentalists working together?

I don't think so.

Oh, please. That attitude is so-o-o 20th century.

It's happening. As of today, over 400 chemical companies have volunteered to evaluate potential health and environmental hazards for over 2000 top-selling chemicals – commitments totaling hundreds of millions of dollars in extra effort. **Environmental Defense** sparked the effort with a report showing large gaps in the public's knowledge about thousands of chemicals, and an invitation to CEOs of major chemical companies to help close that gap. The **Chemical Manufacturers Association** led an unprecedented, cooperative initiative, which brought together the industries and scientists that produced the commitments above. The U.S. Environmental Protection Agency set up and is supervising a special new program to receive the results, which will all be made public on the Internet. The ultimate goal is a stronger safety net to protect the public's health, and the health of the environment. A big step in that direction, we think, is a good idea in *any* century.

e

environmental defense

finding the ways that work

CMA

Chemical Manufacturers Association

Responsible Care® A Public Commitment

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Reboot

How Linux and open-source development could change the ways we get things done

BY NICHOLAS THOMPSON

AN ARMY OF DISHEVELED COMPUTER programmers has built an operating system called Linux based on a business model that seems to have been written with everything but business in mind. Instead of charging customers as much as the market can bear, Linux is given away for free; instead of hiding information from competitors, Linux programmers share their work with the world; instead of working for money, Linux developers are motivated primarily by adrenaline, altruism, and the respect of their peers.

Despite this unusual foundation, Linux is booming and even beginning to challenge Microsoft's control of the operating system industry. Linux may eventually pull the rug out from under the richest company in the world. It may not. But no matter what happens, it has already shown that money doesn't have to make the world, even the business world, go round. In fact, as technology improves and computers connect and create even more of our society, the principles of cooperation and collaboration that drive Linux may well spread to other fields: from computers, to medicine, to the law.

The Source

The Linux movement kick-started in 1991 when Linus Torvalds, a puckish graduate student at the University of Helsinki, got frustrated with his rickety computer. Refusing to buy another one, he wrote a new operating system—the core programs by which applications (like Microsoft Word) talk to hardware (like microprocessors). When finished, instead of running down to the patent office, he posted his code on the Internet and urged other programmers to download it and work with him to improve it. A few emailed back suggestions, some of which Torvalds took. A few more wrote the next day and a couple more the day after that. Torvalds worked constantly with these new colleagues, publicly posting each improvement and delegating responsibility to more and more programmers as the system grew. By 1994, Linux (a combination of "Linus" and "Unix," another operating system) had 100,000 users. Today, it has between 10 and 20 million users and is the fastest growing operating system in the world.

But Linux (rhymes with 'cynics') is different from almost every other operating system available. For one thing, it's downloadable for free straight off the Web. It's also open source, meaning that the source code, the program's all-important DNA, is open for anyone to look at, test, and modify. Most software is developed so that only the original authors can examine and change the code; with open-source models, however, anyone can do it if they have a computer and the right intuition.

To see the power of this model, consider what happens when you're running Microsoft Windows or Macintosh OS and your computer crashes: You stamp your feet and poke a twisted paper clip into a tiny reset button. You probably don't know what happened and it's probably going to happen again. Since you've never seen the source code, it probably doesn't even occur to you that you could fix the problem at its root. With Linux, everything's transparent and, even if you aren't an expert, you can simply post your question on a Linux-help Web page and other users can usually find solutions within hours, if not minutes. (The amorphous Linux community recently won InfoWorld's Product of the Year award for Best Technical Support.) It's also entirely possible that someone—perhaps you—will write some new code that fixes the problem permanently and that Linux developers, led by Torvalds, will incorporate into the next release. Presto, that problem's fixed and no one will need paper clips to fix it again.

To make another analogy, fixing an error caused by a normal software product is like trying to fix a car with the hood welded shut. With Linux, not only can you easily pop the hood open, there is extensive documentation telling you how everything works and how it all was developed; there's also a community of thousands of mechanics who will help you put in a new fuel pump if

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asked. In fact, the whole car was built by mechanics piecing it together in their spare time while emailing back and forth across the Web.

The obvious threat to this type of open development is appropriation. What if someone lifts all the clever code off the Web, copyrights it, and sells it? What if someone takes the code that you wrote to fix your crashed computer (or busted fuel pump), copyrights it, and markets it for $1995? Well, they can't. When Torvalds created Linux, he protected it under the GNU General Public License, an intriguing form of copyright commonly known as copyleft. Under copyleft, anyone who redistributes the program, with or without changes, must pass along the freedom to further copy, change, and distribute it. Theoretically one can download Linux off the Web, add a string of useful features, and try to sell it for $50. But anyone who buys this new version can just copy it, give it away, or sell it for a dollar, thus destroying the incentive for piracy. An equivalent would be if I were to write the following at the end of this article: "Verbatim copying and redistribution of this entire article is permitted in any medium provided this notice remains at the end."

Use the Source

From the Oxford English Dictionary to hip-hop music, open-source development has always been with us to some degree. Since the mid-19th century, contributors to the OED have defined words and sent them to a centralized location to be gathered, criticized, sorted, and published. With music, as long as you stay within certain copyright laws, you can take chunks of other people's compositions and work them into your own. Most academic research is also built on open-source cooperation. Even the compact fluorescent light bulb above my head comes from data shared by researchers over centuries about electricity, properties of glass, and centralized power.

But still, most business isn't done with open source. Coca-Cola keeps its formula secret, Microsoft won't tell you how it builds its programs, and when a researcher for Ford suddenly stumbles upon the means to a more efficient fuel pump, she doesn't reflexively email her friend at Honda with a precise description of her discovery. A great deal of scientific and medical research is also done through closed source as individual laboratories race each other to determine who'll be the first to find the answer and earn the patent.

But two extraordinary changes are making open source substantially more plausible as a development and research model for 2000 than it was for 1990—and they'll make it even more so for 2010. First, the Internet. Today, I can open my Web browser and communicate instantly with Burmese refugees or writers working on projects similar to mine. Secondly, computer power has been increasing exponentially for generations and will probably continue to do so—in large part because every time you build a faster computer it allows you to build a faster one still. It's difficult to overestimate the change. The standard laptop to which I'm now dictating this article (with technology unavailable just two years ago) has more power than almost any computer owned by the government a decade ago. In four years, it could well be obsolete. As author Ray Kurzweil and others have pointed out, if cars had improved as much over the past 50 years as computers, they'd cost less than a nickel and go faster than the speed of light.

Intellectual and Physical Properties

This rate of progress is critical because the advantages of open-source development depend on the powers of technology and the balance between what can be done through thinking and what has to be done by building. Every product has certain intellectual components and certain physical components built into it. With a car, for example, the intellectual component is the thought about how to build it, how to set up the assembly lines, and how to process data you have on different kinds of tires. The physical components include the actual rubber in the tires, the machines that ran the tests, the operation and maintenance of factories.

Faster computers and increased connectivity are drastically changing the relationship between these components in two ways. First, some things that used to require physical components no longer do. You may not have to buy rubber to test the tires if you can just run a simulator online. (The 777 project at Boeing was designed so that nothing physical was produced before the plans hit the factory floor.) Second, connectivity makes the flow of information much faster and smoother and greatly facilitates the sharing of ideas and data. There is a saying known as "Linus' law" that "given enough eyes, all bugs are shallow." In other words, given enough people working on them, all problems are solvable. And the Internet has not only helped coordinate a lot more eyes: in some ways, it's given everyone glasses.

Open-source development benefits from this transition because its advantages are almost all in the realm of intellectual property. Open source improves communication and facilitates sharing ideas. But it doesn't mean that you can buy a ton of concrete for free or drive a nail into a wall without a hammer. This is why open source has come first and most prominently to computer programming: a profession where almost all

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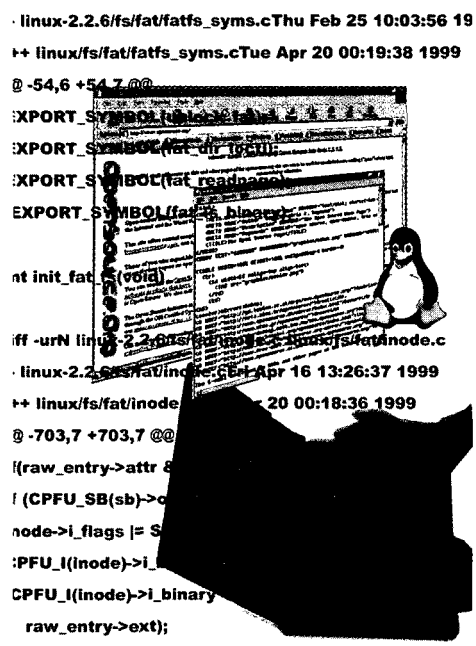
of the development is intellectual, not physical, and where people have been connected over the Internet for more than 20 years. Programming also employs highly specific, common tools—computers—that a fairly large number of people have access to and that some people, such as university students, can even access for free. If a solution or improvement is found, nothing additional needs to be built; code just needs to be entered and then downloaded.

But there is still one great problem standing firmly in the way of even the most modern open-source software development project. As a 21-year-old Bill Gates asked in an angry letter to open-source programmers in 1976: "One thing you do is prevent good software from being written. Who can afford to do professional work for nothing?"

Microsoft's empire, and a great deal of the rest of our society, is built upon the assumption that there isn't an answer to this rhetorical question. To survive, organizations need to patent their information, protect their secrets, and earn as much money as they can. But the success of Linux shows that there's a way around that model. Something extraordinary has been built with a completely different set of rules. I asked David Soergel, a researcher in the department of genetics at Stanford, whether people could use the open-source model to develop medicines. "My first reaction: they'd rather get paid, and if they were any good at it, then they would be paid by somebody. My second reaction: wait a minute, that argument obviously fails for software."



Money for Nothing

Naive as it may be to think that people aren't motivated by money, it is just as naive to think that people are only motivated by money. People are motivated by a variety of factors: money, recognition, enjoyment, a belief that one is doing something good for the world, and so on. We each weigh these factors and make decisions based on our perceptions of their relative importance. At different points in our lives, we give different factors different weights. When we're poor, we tend to value simply high-paying work more than we do when we're well-off; it usually takes a high-paying job to get someone to do something really boring and it generally takes a very fulfilling job to get someone to work for less than what he should normally be able to earn.

Since people working on open-source projects generally earn nothing, or very little, there need to be other incentives. In Linux, there seem to be principally three. First, enjoyment. Computer programming can be addictive, exciting, and extraordinarily intense. Linux can be particularly enjoyable because almost every problem solved is a new one. If your Windows machine crashes, fixing the problem generally entails tediously working through scores of repair procedures which you may have used a thousand times. If A fails, try B. If B fails, try C. If a Linux computer crashes, anyone who repairs it is not only working on that one specific machine, he's finding a solution for the whole Linux community.

Eric Roberts, a computer science professor at Stanford, once explained to *The New York Times* that people in the profession must be "well trained to do work that is mind-numbingly boring." This is particularly true of work on most closed-source systems where programmers must continually reinvent the wheel. But with open-source projects, the things that need to be done haven't been done before. According to one only slightly hyperbolic programmer, Ali Abdin, writing to a Linux news group about how he felt after creating his first open-source project: "The feeling I got inside when I knew that I had some code out there that I can share with people is indescribable... I felt on top of the world, that I can program anything...I felt as mother would feel giving birth to a child, giving it life, for the first time."

Secondly, and similarly, Linux programmers are motivated by a feeling that they are changing the world and developing an operating system that really works. Torvalds laid out this philosophy well in a speech this summer: "I don't resent Microsoft for making lots of money. I resent them for making bad software."

Thirdly, but most significantly, Linux programmers seem motivated by prestige and, in particular, respect

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from their peers. Having "hacked the kernel" (contributed to the core of the operating system) gives programmers a certain stature—much as completing a four-minute mile does among runners—and, since the program is open source, everyone knows exactly who contributed what. I was once introduced to a programmer described as "the guy who wrote all the Ethernet device drivers!" as though I was meeting Jonas Salk "who came up with the cure for polio!" And, in fact, Linux programmers often discuss their work as falling in the tradition of eminent scientists. As three well-known programmers put it in the introduction to their book *Open Sources*: "It would be shortsighted of those in the computer industry to believe that monetary reward is the primary concern of open source's best programmers... These people are involved in a reputation game and history has shown that scientific success outlives financial success... When the history of this time is written a hundred years from now, people will perhaps remember the name of Bill Gates, but few other computer industrialists. They are much more likely to remember names like... Linus Torvalds."

Importantly, this philosophy may well be helping Linux develop creatively. There is a great deal of psychological research that shows that people actually do more creative work when they aren't motivated primarily by money. Tell a child that you'll pay her for reading a book and she'll read it with little imagination. Have one group of college poets think about getting rich and famous through their writing, according to research done by Harvard Professor Teresa Amabile, and they tend to turn out less creative work than a second group that's just asked to write poems. Is it possible that Linux programmers created such an extraordinary operating system in part *because* they were driven by other factors and weren't doing it for the money? I asked Professor Amabile if the implications of her research cross over to open-source programming and whether it could explain some of the remarkable innovations that have come from people working without pay. "Yes," she responded, "this [would be] entirely consistent."

Making free software affordable

Still, Linux programmers are not completely locking themselves out of the economy and there's a second response to Gates' rhetorical question: If your core open-source project is successful enough, it's possible to eventually make money off of it indirectly. No, it's not possible to make as much money as a proprietary company can—open source and copyleft will ensure this—and there's always going to be an astounding amount of work that has to be done without financial reward. But open-source programmers don't have to starve.

The trick to making money off Linux, or any open-source development, is to profit off of derivatives. No one actually makes money off the Linux code, but they can make money by offering technical support or helping customers install the program. Companies that do this follow a well-trodden path: give something away in order to sell something else. This is what cellular phone companies do when they give you the actual telephone handset for free if you agree to pay for using it a certain number of minutes a month. We do the same thing with the *Monthly*'s Web page. We post some articles (giving them to readers for free) in the hope that visitors' interest will be piqued and that they'll subscribe.

Red Hat, the best-known Linux company, sells the operating system and other open-source programs in a box for $80, though you can download their product for free from redhat.com. Their revenue comes from the technical support they offer and from consumers' need for trust. It's much less unsettling to buy a program like Linux if you get it shrink-wrapped with a manual than if you have to download both. VA Linux, another well-known company, sells Linux hardware: You choose the memory and the motherboard; it builds you a computer.

Has the money these companies brought into the open-source movement corrupted it and made it more like the traditional model that Microsoft uses? Surely, there are a lot of people doing promotional and administrative work at Red Hat for the money and there are probably even some people working on Linux for Red Hat because they get paid a lot to do it (the company hires programmers to write code that anyone, including Red Hat's competitors, can use). But programmers mostly see the money as an added and surprising plus, and Linux is still driven by adrenaline, altruism, and peer recognition.

While it is possible that this could change, it hasn't so far. I asked Richard Stallman—the creator of copyleft, as well as many of the programs that run with the Linux operating system, and the man often considered to be the father of the open-source movement—whether he thought that money would change the attitudes of people who used to work on Linux without being paid. "In general, I don't think that wealth will make a hacker* into a worse person... It would be more likely to enable the hacker to spend more time volunteering for free software instead of on work for pay."

This point is particularly germane because most open-source programmers have always had to work other jobs, and many have only been able to contribute to the project during the evenings or when their

**Among computer coders, "hacker" is just a term for another, generally good, programmer. The term has only recently been given sinister connotations by the media.*

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employers weren't looking. Linus Torvalds, for example, helps design microprocessors for a company called Transmeta in the daytime and does all his Linux coding after work. When I asked John Hall, vice president of VA Linux, what motivates programmers, he responded: "For some, it's altruism. For some, it's fame. For some, it's religion. For a very few, it's money."

So what's next?

To determine where open source is likely to move next, one has to imagine a scenario where these obstacles can be overcome. A project would need to be fun, or at least rewarding, to get going and it would have to primarily pose intellectual, not physical, challenges. Once it began to move, derivative financial incentives could help push it along. There also has to be a certain amount of luck, particularly with regard to organization. It's hard enough to get six people to agree to a restaurant for dinner; it's much harder to coordinate thousands of people known to each other only by email addresses. Linux has gotten around this latter problem in no small part because of Torvalds himself. He is a benevolent dictator who has earned the trust and respect of virtually everyone on the project. He's a relaxed, friendly, funny guy whose strength of character keeps his distended organization free from the internal battles that sink so many others. He also has learned how to delegate and has developed a core of equally well-respected close associates who coordinate different parts of the project.

One intriguing possibility for future open-source development comes from medicine, an area where people can become passionate and where intellectual components can far exceed physical components. Consider a smart doctor who loses a friend to rare disease X and decides to devote her life to finding a cure. Ten years ago, trying to develop anything more than a local network to collaboratively design a drug to cure the disease would have been extremely difficult. Communication would have had to be done over the phone or with photocopies slowly and expensively mailed. It made much more sense to have small groups of developers working together in laboratories, foundations, or universities.

Today the possibilities for open collaboration have improved. An ambitious doctor can network online with other researchers interested in disease X and, at the least, can quickly exchange data about the newest research techniques. In fact, there are already medical networks that pass around information about acute medical cases, using email and computers that can automatically send out patient files over a network and put X-rays into the overnight mail.

Now think another decade ahead when everyone will have high-speed Internet lines at least 500 times as fast as standard connections today (this will probably happen in three years), where it is fairly likely that we all will be able to simulate the movement of disease X online, and where it will surely be possible for medical students to run tests that approximate the human immune system on high-powered laboratory computers. Now the same doctor can farm out parts of the project to interested collaborators, many of whom have also lost friends to X and are passionate about finding a cure. If the coordinator is a good organizer and can hold people together the way that Torvalds has, the organization could grow, attracting even more people to join the collaborative effort with each success. Every breakthrough or improvement in the model could be posted online so that other participants could begin work on the next challenge. If a sample test is performed, data could be transferred to the Web simultaneously.

Eventually a prototype could be developed and adopted by an established drug company (or perhaps even a non-profit company, funded by foundations, that specializes in distributing open-source drugs and selling them at minimal costs) that licenses the product with the FDA, runs it through the necessary tests, and then manufactures, distributes and sells it—keeping prices relatively low both because no company would have exclusive copyrights and because research costs (drug companies' largest expense) would be drastically reduced.

Law

A real-life example of another possible opportunity for open source comes from Harvard where law Professors Larry Lessig and Charles Nesson have started the Open Law Project, an attempt to try cases using the open-source model. Interested people sign into the Website, read what other contributors have written, and help to develop arguments and briefs. According to the site description, "what we lose in secrecy, we expect to regain in depth of sources and breadth of argument." The program is run under the same sort of benevolent dictatorship model as Linux, with Lessig serving as chief. People brainstorm, debate, and then Lessig synthesizes and writes the briefs. Currently, the group is constructing arguments challenging, appropriately enough, the United States Copyright Extension Act.

There are great advantages to this model for law: The problems faced by lawyers are mostly intellectual, not physical; there is an abundance of people (especially law students) who are potentially willing to work on

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the projects for free; and there is the powerful draw of doing something you believe is a public service. If you don't agree with current copyright laws, join the group and figure out how to change them.

Of course, open-law will never be able to handle certain kinds of cases. As Nesson said to me, "open-law is not conducive to ambush." If you need to rely on secret arguments or evidence that the other side doesn't know about, you're not going to post everything on the Net. But if you just need to develop the best argument and rely on increased information flows, the model could work quite well.

Future

It is very difficult to determine exactly where open-source projects will take off next. So much depends on the personalities of the coordinators and the excitement they are able to generate; a great deal also depends on the different ways that technology develops and the way that different markets and research fields change. For some organizations, open-source development will make more sense in a couple of years than it does now. For others, it will make less. But the overall trends of technology are likely to push open source closer and closer to the mainstream.

Imagine a scale with all the advantages of a proprietary model on the left and all the advantages of an open-source model on the right. Pretend everybody who wants to solve a problem or build a project has a scale like this. If it tips to the left, the proprietary model

Who's Who

By Susan Threadgill

The "Delay Delay" didn't happen this year. The delay was christened by former Clinton speechwriter **Michael Waldman** who pointed out that during the 1999 State of the Union speech Speaker **Dennis Hastert** seemed to delay applauding until he saw **Tom Delay** begin to clap. This year, Hastert seemed to be on his own.

Buried in **James Bennet**'s article on **Al Gore** in the *New York Times Magazine* was this tidbit about Gore's opponent for the Democratic nomination. It seems that **Bill Bradley** once studied Elvis Presley movies "in hopes of honing his communication skills... to change himself to appeal to people."

Bob Livingston, who briefly served as **Newt Gingrich**'s successor as Speaker of the House until scandal caught up with him, became a lobbyist on March 1, when the one-year ban on lobbying by former members expired. Joining him as a lobbyist although with a different law firm, is former Sen. **Dale Bumpers**. Bumpers admirers are said to be dismayed that their hero has joined the ranks of those who cash in.

Who's behind the curtain of the **John McCain** campaign? His political director, **John Weaver**, was once executive director of the Texas Republican Party. **Mark Salter**, his speechwriter, worked for **Jeanne Kirkpatrick** when she was U.S. ambassador to the United Nations. Senior strategist **Mike Murphy** has made commercials for clients ranging from **Christie Whitman** to **Ollie North**. **Greg Stevens**, his media consultant, worked on **Bob Dole**'s presidential campaign with **Bill McInturf**, now McCain's pollster. **Rick Davis**, McCain's campaign manager, is a Washington lobbyist known for his fundraising skill. **Vin Weber**, a lobbyist and former Congressman, may be the most influential member of the candidate's kitchen cabinet.

The winner of this year's **Dwayne Andreas** Award is **Carl Lindner**. The award, created by *The Washington Monthly* in recognition of Andreas' long preeminence as a political bisexual, is annually given to the leading contributor who assures his access to both sides by giving to the Republicans and the Democrats. Lindner, the chairman of Chiquita Brands, has given $250,000 to Democrats and $375,000 to Republicans thus far in the 1999-2000 campaign cycle.

What will happen to **Bill Clinton**'s cabinet members after January 20 of next year? Our informants tell us that HHS Secretary **Donna Shalala** could be the next president of Stanford University and that U.N. Ambassador **Richard Holbrooke** is angling to be **Al Gore**'s Secretary of State.

The National Republican Senatorial Committee, headed by Sen. **Mitch McConnell**, offers lobbyists the opportunity to join its "Policy Board" for $15,000 a year. You get to attend monthly luncheons and quar-

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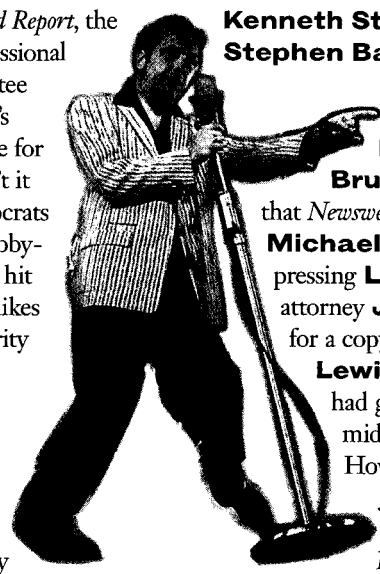
is chosen; if it tips to the right, the open model is chosen. Now, as connectivity increases with the Internet, and computer power increases exponentially, more and more weight accumulates on the right. Every time computer power increases, another household gets wired, or a new simulator is built online, a little more weight is added to the right. Having the example of Linux to learn from adds some more weight to the right; the next successful open-source project will add even more.

Not enough is added to the right side to tip the scale for everybody and everything, but open-source is presently growing and it should only continue that way. Netscape has made its Web browser open source. Sendmail, the program that routes most of our email, is open source. Most Web sites use an open-source program called Apache at their core. Even some microchip developers are starting to use open source.

Perhaps the next boom in open source will come from the law; perhaps from drug X; perhaps it will be something entirely different. Although it's difficult to tell, it is quite likely that the scale is going to tip for some projects and that there will be serious efforts at open-source development in the next decade. Moreover, it's quite likely some of these projects will work. Open source has created the fastest growing operating system in the world and it's done so by capitalizing on changes in technology that will almost certainly seem commonplace in a decade or two. Linux will continue to grow; but 10 years from now, it will probably no longer be the largest open-source project in the world. ●

terly dinners and are, according to the *Wall Street Journal*'s **Phil Kuntz**, encouraged to "expand your voice... in developing sound legislative policies."

As for the other side, in January, according to **Paul Bedard** of *U.S. News and World Report*, the Democratic Congressional Campaign Committee promised a Speaker's Club Ski Trip, where for $3,000 cash—doesn't it seem like the Democrats always get less?—lobbyists got a chance "to hit the slopes with the likes of the House Minority Leader **Richard Gephardt**, and DCCC boss **Patrick Kennedy**."



Al Gore's tendency to gild the lily of his own accomplishment—e.g., "I took the initiative in creating the Internet"—is not new. As long ago as 1987 and 1988 aides were warning him about it, according to a January story in the *Boston Globe* by **Ann Scales** and **Walter V. Robinson**. "Your main pitfall is exaggeration," warned a memo from **Arlie Schardt**, the 1988 Gore campaign press secretary.

The details of what the White House is calling "a mysterious midnight rendezvous at HoJos" have been revealed in an affidavit by **Kenneth Starr** aide, **Stephen Bates**. He says that Starr deputies **Jackie Bennett** and **Bruce Udoff** knew that *Newsweek* reporter **Michael Isikoff** had been pressing **Linda Tripp**'s attorney **James Moody** for a copy of one of the **Lewinsky** tapes Tripp had given Starr. So at a midnight meeting at a Howard Johnson's on January 16, 1998, they gave a copy to Moody. "Within one hour," according to an account of the affidavit by *The Washington Post*'s **Howard Kurtz**, "Moody handed the tape to Michael Isikoff." But how could this be? Didn't Starr assure us that his office never leaked?

Poor **Gary Bauer**. His one chance to win a timely prize in the presidential nominating sweepstakes was snatched away by the **George W. Bush** gang. Bauer felt he had a good chance of winning the Louisiana caucuses that were scheduled for January 15. But Governor **Mike Foster**, a Bush buddy, got the caucuses delayed.

A new Website called **grassroots.com** has just been launched with the goal of developing a place where users can communicate with their representatives and influence the way government works. You can't say they aren't trying to cover all the political bases. Possible **George W. Bush** Secretary of State **Condoleezza Rice** is on the Board of Directors as is one of **Bill Bradley**'s closest friends, Stanford professor **Dan Okimoto**. Members of the Board of Advisors include Daddy Bush's chief of staff **John Sununu**, former Clinton White House press secretary **Mike McCurry**, former **Newt Gingrich** press secretary **Tony Blankley**, Clinton White House chief of staff **Tony Podesta**, and **Al Gore** speech-writer **Bob Shrum**.

But what if **John McCain** is elected?

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The Washington Monthly

Journalism Award

DECEMBER 1999 & JANUARY 2000

KATHERINE BOO

"Invisible Deaths: The Fatal Neglect of D.C.'s Retarded"

The Washington Post: 12/5

In a [illegible] report that has already significantly influenced city policy, Katherine Boo shows how Washington [illegible] harms, and even ends up killing, the mentally retarded. In 1990, the city moved the mentally retarded [illegible] homes, arguing that this would provide them with better care and safer environments. Since then, corporate [illegible] city complicity have resulted in erased records, brutal negligence, and dozens of troubling deaths. Of the [illegible] of the mentally retarded in Washington D.C. for which Boo could obtain records, there were 34 cases where [illegible] contributed to the deaths.

JASON DEPARLE

"Bold Effort Leaves Much Unchanged for the Poor"

The New York Times: 12/30

In [illegible] examination of Wisconsin's crusade to end welfare, DeParle concludes that the state's efforts have [illegible] fewer people are on welfare and far more people have been put to work. But what he finds most [illegible] has changed the lives of the poor and how the hardships associated with welfare and unemployment [illegible] hungry kids, absent fathers, and empty cupboards—continue to plague those who now hold jobs.

RON SHAWGO AND LISA SHIDLER

"Discarded and Decayed"

The Fort Wayne Indiana Journal Gazette: 12/19/99, 12/26/99, 1/2/00

[illegible] report uncovers Allen County's consistent governmental neglect of its responsibility for abandoned [illegible] owed exceeded the value of what was abandoned. The series has resulted in the county government [illegible] inspection and oversight and to develop plans to give the abandoned properties to non-profits.

BRENT WALTH AND ALEX PULASKI

"The Politics of Pesticides"

The Oregonian: 12/5 - 12/9

[illegible] series takes readers inside Congress, the EPA, and the White House to show how a well-[illegible] lobbyists, personal agendas, and politicized science. In 1996, President Clinton signed the Food [illegible] to protect American children from pesticides in their food. But as Walth and Pulaski show, in [illegible] Guthion, a commonly used pesticide in Northwest apple orchards, the bill has not been implemented [illegible] about Guthion's potential threat, the EPA allowed the dangerous pesticide to pass its review [illegible]

TED WENDLING

"Disciplined Psychologists Face Few Consequences"

The Plain Dealer: 12/5

[illegible] Dealer's investigation into the Ohio Board of Psychology's regulation of its professionals detailed [illegible] who engaged in sexual misconduct with patients received little or no punishment. The paper's [illegible] of legislation aimed at curbing the problem.

THE WASHINGTON MONTHLY JOURNALISM AWARD [illegible]

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The Federalist Society: *What They Almost Did To Clinton; What They're Doing In The Courts*

The Federalist Society is a legal fellowship that was founded in 1982 by conservative law students at Yale and the University of Chicago. It now has 25,000 members and forms the backbone of a legal network that has changed the face of American politics and law. The following two pieces offer insights into how they've done it. The first—excerpted from Joe Conason's and Gene Lyons' The Hunting of the President*—describes two clandestine meetings where high-powered litigators, and one former federal judge with links to the Society, schemed to bring the President to his knees. The second—by Jerry M. Landay—explains how the Society has harnessed its formidable brainpower and connections to pursue a Republican agenda through the courts.*

Hunting The President

By Joe Conason and Gene Lyons

Gil Davis and Joe Cammarata, Paula Jones' lawyers of record, weren't the sort of attorneys attracted to the highly ideological Federalist Society milieu. But two of the young lawyers working with them, George Conway and Richard Porter, a former Dan Quayle aid who had joined Kenneth Starr's firm Kirkland and Ellis in its Chicago home office, were among the group's active members. At the urging of Conway and Jerome Marcus, another young Federalist lawyer, a group of Federalist-affiliated law professors and constitutional lawyers had signed "friend of the court" briefs in 1994 supporting Jones' right to proceedings against the president while in office.

Now, as the date for argument on that issue in the Supreme Court approached, the young Federalist attorneys in the Jones camp called upon two of the organization's legal eminencies to help prepare Davis and Cammarata. During the first week of January, they brought Davis and Cammarata to the Army-Navy Club for a coaching session with Robert Bork, who had addressed the founding conference of the Federalist Society at Yale in 1982, and Ted Olson, the chairman of its powerful Washington chapter.

Bork had lost his own chance to sit with the nation's top judges during an exceptionally bitter confirmation battle in 1986, an experience that had left him furious at the liberal Democrats he believed had blocked him. Aside from his legal acumen, Bork could offer informed personal opinions about the court's most influential justices. He regularly played poker with Chief Justice William Rehnquist and Associate Justice Antonin Scalia.

Less renowned than Bork, Olson too had a brilliant reputation as an appellate lawyer [and] substantial Supreme Court experience. Olson had graciously hosted their last session at the downtown offices of Gibson, Dunn & Crutcher, the giant law firm whose Washington operations he managed.

According to Davis, George Conway had wanted to run the coaching session as a "moot court," with Bork and Olson barking out the kind of sharp questions Davis could expect from the justices. But the scowling, opinionated Bork—possibly self-conscious about mimicking "the Brethren" he would never join—preferred a less formal approach, and everyone else deferred to him.

For two hours the lawyers sat around a table eating sandwiches, as Olson and Bork advised Davis how best to present his brief urging that the case against Clinton proceed immediately to trial. To the justices, Olson emphasized, the most pressing problem would be whether the President should be distracted from his elected job, and how the lower court could address his special needs. He urged Davis to convince the high court that Jones would accommodate the president in terms of court dates, depositions, and other infringements on his schedule.

As they all prepared to leave, Davis said, "Someday somebody will ask me who was present at this meeting." Did anyone mind his name being mentioned? Olson didn't seem to care, neither did Bork. But Conway and Marcus, who had kept their participation in the Jones case from their law partners—some of whom were Democrats close to the White House—

Excerpted from The Hunting of the President *by* Joe Conason and Gene Lyons. *Copyright © 2000. Reprinted by permission of The Wylie Agency. All rights reserved.*

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continued to insist upon complete anonymity.

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According to the Starr Report eventually submitted to Congress by the Office of Independent Counsel: "On January 12, 1998 this Office received information that Monica Lewinsky was attempting to influence the testimony of one of the witnesses of the Jones investigation, and that Ms. Lewinsky herself was prepared to provide false information under oath in that lawsuit. The OIC was also informed that Ms. Lewinsky had spoken to the President and the President's close friend Vernon Jordan about being subpoenaed to testify in the Jones suit, and that Vernon Jordan and others were helping her find a job. The allegations with respect to Mr. Jordan and the job search were similar to ones already under review in the ongoing Whitewater investigation.

"After gathering preliminary evidence to test the information's reliability, the OIC presented the evidence to Attorney General Janet Reno. Based on her review of the information, the Attorney General determined that a further investigation by the Independent Counsel was required."

But that wasn't quite how it all happened. The January 12 date, for example, is deceptive. The OIC learned about Monica S. Lewinsky at least several days earlier than the report acknowledges, and from sources whose complicity with his investigation Kenneth Starr had powerful motives to conceal. In Michael Isikoff's version of the story in *Uncovering Clinton*, "it was not clear who first had the idea" of bringing the independent counsel into the Paula Jones case. Isikoff lists several possibilities: Lucianne Goldberg, Linda Tripp, Jerome Marcus and Richard Porter. Additional candidates would be Ann Coulter and George Conway, two more of the so-called elves helping Jones.

But there is no doubt that the members of this group were in contact with one another from September 1997 onward, and that Goldberg, Tripp, Coulter, and Conway, at least, were regularly in touch with Isikoff. According to the *Newsweek* reporter (whose book expresses deep discomfort at his having become "a player—one of the acts in the scandal circus"), he never realized he was being used as a cat's-paw in a conspiracy against Clinton.

Presumably alerted by Jill Abramson and Don van Natta Jr.'s pathbreaking investigation in *The New York Times*, Isikoff discusses a dinner party that took place in Philadelphia on January 8, 1998. Present were Porter, Marcus, and Paul Rosenzweig, who had joined Kenneth Starr's Washington OIC staff in November 1997. Exactly why Starr hired an ambitious young lawyer at a time when the Whitewater investigation and Filegate, Travelgate, and the Vince Foster investigation were near completion isn't clear. But during the intervening three months, the *Times* reported, Rosenzweig had spoken with Marcus about the Jones case several times by phone.

Rosenzweig traveled up from Washington for the January 8 dinner at the elegant Deux Cheminees restaurant in Philadelphia. Porter, Kenneth Starr's law partner and Lucianne Goldberg's conduit to the Jones lawyers, flew in from Chicago. "Largely for the hell of it," Isikoff reports, Conway came by train from New York. It was Conway whose timely leaks to the *Drudge Report* had helped prevent the Jones case from being settled several months earlier, and who had just that day helped find another Federalist Society lawyer to represent Linda Tripp. "Pure serendipity" is how Jerome Marcus later described the gathering.

Before the others arrived that Thursday evening, according to Marcus, he had informed Rosenzweig "very briefly" about the tale of the president and the intern, Jordan's efforts to find Lewinsky a job, and Linda Tripp's tapes. "I don't know if it's real or not," he said. "But do you think this is something that your office would be interested in?"

Rosenzweig didn't know, but would make it his business to find out. On the following Monday, January 12, Lucianne Goldberg called Linda Tripp. From Washington, Rosenzweig had called Marcus in Philadelphia, who had called Porter in Chicago, who had called Goldberg in New York, who had relayed the message back to Tripp in Washington. A deputy independent counsel named Jackie Bennett was definitely interested. But Tripp would have to call him directly. For the sake of propriety, the information would have to come in by "the front door."

Even if the participants' accounts are taken at face value, it was surely no accident that the January 8 dinner was omitted from the Starr Report. For Rosenzweig to be meeting with a clique of attorneys who had helped the Jones team was bad enough. But the participation of Porter, as Starr's law partner, presented the OIC with ethical problems. Avoiding even the appearance of impropriety was the whole point of the Independent Counsel Act. It specifically states that "any person associated with a [law] firm with which such independent counsel is associated may not represent in any matter any person involved in any investigation or prosecution."

Moreover, as Clinton attorney David Kendall pointed out when Porter's role came to light, by law "a legal representation of a client by one partner is attributable to all partners." ●

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The Conservative Cabal That's Transforming American Law

By Jerry M. Landay

One afternoon in November 1999, only a few weeks after leaving the Office of the Independent Counsel, Kenneth Starr relaxes happily in the lobby of Washington's Mayflower Hotel. The hotel is hopping. Eight hundred lawyers have converged from all over the country for a convention—three days of celebrity gazing, brisk intellectual discourse, and hard-headed networking. It is the annual lawyers' meeting of the Federalist Society—a conservative legal fellowship to which Starr belongs—and he is in his element. The former special prosecutor is surrounded by a small group of gray-suited young "Feddies," who introduce themselves, conduct short interviews, whisper words of homage, or simply stare in awe. Starr beams—clearly enjoying this moment of adulation.

On friendly turf now, Starr may also be projecting feelings of gratitude. For as Joe Conason and Gene Lyons demonstrate in *The Hunting of the President* (see excerpts on pages 17-18), Starr and the OIC benefited enormously from the efforts of a network of well-placed lawyers who, like Starr and other Republican luminaries, are members of, or linked to, the Federalist Society. Most of the self-styled "elves" who helped Linda Tripp's tapes find their way into Kenneth Starr's hands had links to the Society. And without the elves' handiwork plus the leaks, coaching, and sheer brainpower contributed by the extended Federalist network, Starr's investigation might never have gotten out of the blocks.

Tonight at the Mayflower you get a sense of just how powerful and far-reaching the Society is. There are stars from every corner of the Republican establishment in the room. From snippets of conversation, one concludes that they are joined not only at the ideological hip but by a collective hatred for President Clinton—perhaps more for standing in the way of their Revolution than for any moral or legal lapses. Members of Starr's old team like constitutional law advisor Ronald Rotunda (who counseled Starr that he could indict a sitting president) rub shoulders with old-timers from the Reagan administration—former Attorney General Edwin Meese, Solicitor General Charles Fried, and Civil Rights commissioner Linda Chavez—and with former Bush White House Counsel C. Boyden Gray. The room bulges with partners from among the most powerful law firms in the land: New York's venerable Sullivan & Cromwell; Chicago's Kirkland & Ellis (Starr's outfit); Washington's own Wilmer, Cutler & Pickering (Gray's firm); and Los Angeles powerhouse Gibson, Dunn & Crutcher (its Washington office is home to Theodore Olson—whose contributions to Starr's efforts are colorfully documented in the Conason and Lyons excerpts referred to above).

And then there are the judges. No fewer than eight federal judges, most of whom are still active on the bench, will sit on panels or speak from the podium during this three day affair. Their discussions range from the technical to the deeply ideological. Former federal judge Robert Bork comments on the "inertia" and "weariness" he has observed in American liberalism—themes drawn from his recent book, "Slouching Toward Gomorrah." And Supreme Court Justice Clarence Thomas attacks the American Bar Association for being too socially conscious—advancing a slate of liberal positions "that go beyond representing the interests of lawyers as a profession."

The event has an intensely energetic feel. With the White House again within reach, the Mayflower is wrapped in a bubble of great expectations. And why not? The Society's mission is to advance a conservative agenda by moving the country's legal establishment to the right, and they are succeeding. Despite eight years of a Democratic administration, the impact of the Reagan Revolution continues to reverberate in the nation's courts. (See "The Gipper's Constitution," December 1999.) And now one of the legal theories the Federalists are pushing could make regulation by federal agencies unconstitutional in some cases and—if carried to its

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logical extreme—be the Federalists' crowning achievement in their unspoken campaign to change the face of law and politics in America.

Who are they?

With 25,000 members plus scores of close affiliates nationwide—including Supreme Court Justices Thomas and Antonin Scalia, Senate Judiciary Committee Chairman Orrin Hatch, and University of Chicago brainboxes Richard Epstein and Frank Easterbrook (also a federal appellate judge)—the Federalist Society is quite simply the best-organized, best-funded, and most effective legal network operating in this country. Its rank-and-file include conservative lawyers, law students, law professors, bureaucrats, activists, and judges. They meet at law schools and function rooms across the country to discuss and debate the finer points of legal theory and substance on panels that often include liberals—providing friction, stimulus, and the illusion of balance. What gets less attention, however, is that the Society is accomplishing in the courts what Republicans can't achieve politically. There is nothing like the Federalist Society on the left.

The Society's origins can be traced back to 1979—the year before Ronald Reagan's victory—when a legal scholar named Michael Horowitz published a tract on the public-interest law movement, exhorting conservatives to overturn a half-century of liberal dominance of the legal establishment. This could be done, he wrote, by indoctrinating or winning over succeeding generations of law students, lawyers, and judges. By definition, the campaign had to be rooted in the fertile ground of law schools. To Horowitz's good fortune, Reagan was elected in 1980, and his administration set to work filling the sails of the Federalist movement.

Horowitz's concept was taken up with relish by senior members of the new Administration. They operated on two tracks—designed to insure that the Reagan Revolution would well outlast the Reagan Presidency. The first, to reclaim the Federal courts from liberals, swept an array of conservative scholars and judges from law schools and state courts onto the Federal bench: the likes of Robert Bork, Ralph Winter, Antonin Scalia, Richard Posner, Sandra Day O'Connor, and Anthony Kennedy.

The second track was even more forward looking and involved the apprenticing of a new generation of conservative lawyer-intellectuals-under-30 to the Reagan apparat. This second track required fresh meat, which is where the Federalist Society came in. The founding chapters of the Society were established at Yale, where Bork taught before Reagan nominated him to the bench, and at the University of Chicago, where Scalia was faculty advisor and from whose ranks he would later recruit former student-Federalists to prestigious Supreme Court clerkships. Originally the chapters were little more than a debating circle and comfort station for young conservatives who felt themselves victimized by liberal persecution. The Society's executive director Eugene Meyer recalls of his experience at Yale Law School that "someone was writing 'fascist' on our posters, or taking them down. Then cooler faculty heads [such as Bork] channeled our angers and frustrations into organizational activity." Keen self-promoters, they made a mascot of James Madison (on the debatable grounds that he favored decentralized government in his later years) and took the name of Madison's 18th-century Federalist Party as their own.

For the Reaganites running the federal government in the 1980s, the Society was a godsend. Here was a group of hard-charging legal minds committed to a set of principles that could not have been better suited to the judicial implementation of a Republican agenda if Ed Meese had drafted them himself. The Federalists were (and remain) "originalist" in their approach to the Constitution—meaning that they favored strict textual readings that tended to shear back constitutional principles developed during the more liberal Warren Court era. In terms of substantive law, they promoted the conservative mantra of states' rights to leach power away from "big government" in Washington. At a deeper intellectual level they tended to be either libertarians (meaning that they opposed government regulation as an intrusion on individual liberty) or devotees of the free-market cult of law and economics (meaning that they opposed government regulation for interfering with "market efficiencies").

Naturally, the new Washington establishment snapped up the founding Federalists. The student cadre graduated and went to work in the Reagan White House and Justice Department, and to clerk in the chambers of newly appointed conservative judges. Edward Lazarus, whose recent book, *Closed Chambers*, momentarily breached the sanctity of Supreme Court manners and procedures, recalls the arrival of 10 young Federalists as clerks in the October 1988 term ("the cabal," they called themselves), who "created a critical mass of ideological conservatives." Lazarus, a "dreaded Lib," clerked for moderate Justice Harry Blackmun, and records how the Cabal ran its own email network. They "obsessively"

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worked as a "collective mission" to influence conservative justices, notably on death-penalty cases expediting executions, about which one emailed the others: "We need to get our numbers up." Lazarus quoted another cabalist who, venting his rage about the refusal of the Senate to confirm Robert Bork for a seat on the high court, said: "Every time I draw blood, I'll think of what they did to Bork."

The Federalist Society's student founders acquired conservative polish from the leading politicos of the Reagan and Bush eras, and have gone on to become political powers in their own right. Lee Liberman Otis and David McIntosh, who founded the Society's University of Chicago chapter, were trained at the Justice Department by Edwin Meese. Liberman then was graduated to the position of assistant general counsel at the Bush White House under C. Boyden Gray. Reporters quoted Otis and McIntosh in 1986 as saying that nearly half the 150-odd political appointees they cleared, including five of the 10 assistant attorneys-general, were active in Society programs. Otis is now a counsel and policy adviser to Sen. Hatch on the Senate Judiciary Committee. As for McIntosh, he became executive director of Vice-President Quayle's Council on Competitiveness ("making sure," according to Time Magazine, "that new environmental and health laws are as beneficial to business as possible"). He subsequently became a congressman from Indiana, and now is running for governor. Another charter member, Spencer Abraham, Michigan Law '86, is running for re-election to a second term as Republican senator from that state. He sits on the Senate Judiciary Committee under Hatch. All three are founder/directors of the Federalist Society, with Otis and McIntosh as co-chairs.

As the Society grew in influence, it grew in wealth. A year after founding the first student chapters in 1982 at Yale and University of Chicago law schools, student leaders received $25,000 for their first national symposium, the seed money coming from the Institute for Educational Affairs, overseen by the influential neoconservatives William Simon and Irving Kristol. By 1998, the annual contribution total had soared a hundredfold to $2,600,000—a third from core conservative underwriters like the John M. Olin Foundation, the Sarah Scaife Foundation, the Lynde and Harry Bradley Foundation, and the Lilly Endowment, whose sustained patronage has nurtured the tightly linked constellation of think tanks and advocacy groups that form the spine of the conservative movement. Under Simon's leadership, the Olin Foundation is a principal patron of the Federalist speakers bureau. It has also been active at the level of law school faculties: By providing grants to fund visiting professorships in law and economics, it opens doors to academics who are likely to be sympathetic to the Society's agenda. In 1999, Microsoft for the first time gave the Federalist Society $75,000. "The Microsoft case: Legal and Political Implications" was a featured panel topic in Federalist meetings.

As its wealth has increased, so have the Society's membership rolls. In 1983, there were 17 Federalist chapters based solely at law school campuses. Today, there are lawyers' chapters in some 60 cities, and student chapters on 140 out of 182 accredited law school campuses. Law students constitute more than half the total membership. The Society has opened a drive to recruit more professors. Young recruits are attracted by ideology and ambition—the promise of joining alumni such as Otis, McIntosh, and Abraham in the highest reaches of power politics. In 1997, a full $560,000—one-quarter of the Society's budget—underwrote the high-visibility programs organized by the Society's well- endowed national speakers bureau, whose outreach reinforces recruiting efforts on campus. Prominent campus ambassadors include Charles Murray, author of *The Bell Curve*, Abigail Thernstrom, author of *America in Black and White*, and Dinesh d'Souza of the American Enterprise Institute. Leaders of right-wing activist organizations also travel the campus circuit, the Federalist cover softening their right-fringe reputations (see "Provocation 101").

But the Federalists are not just about recruiting young bodies. They are also active in shaping the law.

Perhaps the network's most far-reaching victory in recent years was a 1999 decision by a Federal appellate panel of DC Circuit judges in a case called American Trucking v. EPA , which stunned clean-air advocates by rolling back EPA standards covering smog and soot. The decision was based on the principle of "non-delegation," a rigid and archaic reading of the Constitution, which holds that Congress retains all legislative authority, but not the power to delegate regulatory power to executive agencies. C. Boyden Gray, a member of the Federalist Society's Board of Trustees, filed a friend-of-the-court brief in American Trucking. Gray was also good enough to share his insights on non-delegation with the Federalist convention in November when he moderated a panel discussion entitled: "The Non-Delegation Doctrine Lives!"

One extraordinary thing about the American Trucking decision was just how well it served private industry at the expense of the public interest. A commenta-

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tor writing in a Federalist Society newsletter crowed that American Trucking will save industry "in the neighborhood of $45 billion per year." Perhaps that is true—and perhaps industry would save even more money if the courts decide to eliminate, for example, the Food and Drug Administration's jurisdiction over food and drugs. But the social costs would be enormous.

The Practice Groups

The key mechanism for putting the Society's theories into practice is the "practice groups" that it has organized in 15 areas ranging from administrative law to civil rights to put its theories into practice. These groups permit the Society to recruit pro bono legal brainpower for conservative causes. Busy litigators for activist conservative organizations double as leaders on the executive committees of the practice groups. Here, strategies and theories for potential litigation are introduced, debated, and circulated. The results are carried back to the activist groups, which pick the causes and cases to be litigated, file the suits, write the briefs, argue the cases, arrange publicity, and change the law. You get an excellent fix on Federalist influence from studying a who's who of Federalist practice group leaders. These movers and shakers include:

•C. Boyden Gray—is chairman of Citizens for a Sound Economy, a conservative advocacy group. *The Washington Post* recently reported that Gray's organization has accepted millions of dollars to champion corporate causes, including payments from: affected sugar producers (to work against efforts to restore the Florida Everglades); Exxon (to fight against the campaign to reduce global warming); Philip Morris (to resist higher cigarette taxes); Microsoft (to weaken antitrust enforcement); and certain auto rental companies (to undermine Florida's tort laws). The peripatetic Federalist board member is a subcommittee chairman of the Society's Administrative Law and Regulation practice group.

•Manuel Klausner—is a litigator for the Individual Rights Foundation and was a lead attorney for Californians Against Discrimination and Preferences. Klausner successfully defended the constitutionality of Proposition 209 (California's anti-affirmative action statute) and has also worked to block benefits to illegal immigrants in California. Klausner is chairman of the Society's Free Speech and Elections practice group.

•Michael Rosner—is a litigator for the conservative Center for Individual Rights. Rosner collaborated with Klausner on Proposition 209. As defense attorney in a celebrated Virginia rape case, he recently used states rights to argue before the Supreme Court against the constitutionality of provisions of the 1994 Violence Against Women Act. Rosner is a vice chairman of the Society's Civil Rights practice group.

• Michael Carvin—is a founder and board member of the Center for Individual Rights. Carvin argued and won a recent Supreme Court voting rights case limiting the federal government's ability to protect minority voters in state and local elections. He has also worked on numerous anti-affirmative action cases. Carvin is chairman elect of the Society's Civil Rights practice group.

• James Bopp—is general counsel to the National Right to Life Committee and legal counsel to the Christian Coalition. Bopp has led campaigns against the McCain-Feingold campaign finance reform bill and legalized abortion. Bopp chairs a subcommittee within the Free Speech and Elections practice group.

• Roger Clegg—is chief counsel for the conservative Center for Equal Opportunity. Clegg has labored to roll back affirmative action statutes, as well as bilingual education and immigrant rights. Clegg is a vice chairman of the Society's Civil Rights practice group.

A major factor in the Society's success has been the composition of the federal bench. (There are still more sitting Republican than Democrat-appointed federal judges.) One reason is that the gatekeeper to the federal judiciary is Republican Sen. Orrin Hatch—who happens to co-chair the Federalist Board of Trustees (with Robert Bork) at the same time as he chairs the Senate Judiciary Committee. As such, he is chief blocking back for delay-oriented Senatorial Republicans on the confirmation of President Clinton's judicial nominations. With as many as four Supreme Court justices approaching retirement in the relative near term, Hatch has the judicial implications of the 2000 elections very much in mind. In the past, he has made so-called "judicial activism" a litmus test for Democratic appointees. Applying that theme to the upcoming elections, he has warned that placing nominations in the hands of a "far-left" Gore or Bradley would bring about "a sea change in the law to the detriment of every family, every religion, every person of conscience."

Retired federal judge Lawrence Walsh, who screened judicial nominees as deputy attorney-general for the Eisenhower Administration, declares that the Federalist subtext of Hatch's statements goes over the line: "By his very statements, Hatch supports my concern that the attack on judicial activism is a political attack; and an organization devoted to that [the Federalist Society] is thereby a political organization," says Walsh. "Our Con-

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stitutional and judicial processes will surmount almost anything... but dogmatic views developed wholly outside the system."

Walsh is speaking of the federal courts here, but his caution applies equally to developments in certain states. Consider what has happened in Michigan, where Governor John Engler and five of the seven justices of the state Supreme Court are Federalist members—including Steven Markman, a Reagan official and former head of the D.C. Federalist Society chapter. According to a recent survey, in 20 cases before that court pitting private citizens against insurance companies and corporations, the Michigan Supreme Court decided against individual plaintiffs 19 times. During the previous year, when moderates held a 4-3 majority, individuals won 22 of 45 cases.

Law, politics, or both?

Funnily enough, despite all that its members and affiliates have done in the service of the conservative cause, the Federalist Society is decidedly reluctant about claiming credit for its impact out in the political world.

"We do not touch partisan politics in any way shape or form," says the Society's executive director Eugene Meyer. "We do not lobby. We are a forum for ideas, discussion, and debate."

Meyer has financial reasons to say this: The Society's tax-exempt status requires it to stay away from political activity. But to call the society apolitical is a bit of a stretch, says Alfred Ross, whose Institute for Democracy Studies tracks right-wing organizations and will soon publish a report on the Federalist Society. Ross points out that strategizing and working to change the law is an inherently political act. The Society "pollinates, permeates, and shapes the rhetoric and the debate about the law itself" says Ross. "To the extent that the judicial system is how a democratic society is organized, of course the Federalists are political."

To see that he's right, one need only review changes that litigators linked to the Federalists have wrought upon the law. They have weakened or rolled back statutes on civil rights and affirmative action; voting rights; women's rights and abortion rights; workers' rights; prisoners' rights; and the rights of consumers, the handicapped, and the elderly. Add to that the consequences of non-delegation if further extended. Regulatory oversight by federal agencies would then be kicked back to Congress and the states—like the power to preserve open pipelines in telecommunications, to regulate transportation, the drugs we take, the food we eat. Would we really want elected officials directly responsible for regulating industries that are also major sources of their campaign funds? That is very much a political question—one to which the Federalist Society's answer is unfortunately all too clear. ●

Provocation 101

The campus chapter of the Federalist Society is far and away the most conspicuous and active of the 34 student organizations at the University of Illinois College of Law. Honoraria and traveling expenses for the right wing presenters who find their way to Champaign Urbana are underwritten by the national organization. The events attract attention, potential recruits, and, occasionally, thunderbolts.

Thunder was definitely in the air last April when Lino Graglia came to town. A law professor at the University of Texas, he is a well-traveled Federalist attraction—and a racial provocateur. Graglia was to lecture on originalism and the Constitution. But earlier pronouncements he had made concerning the "cultural deficiencies" of affirmative action recipients set the tone for his visit.

Minority groups organized, staged a sit-out, and leafleted attendees with Graglia's most inflammatory rhetoric-including a declamation that "Blacks and Mexican-Americans are not academically competitive with whites in selective institutions." And then, as if to throw fuel on the fire, Graglia stood in front of TV cameras and affirmed what he had said before.

Campus liberals accused the Federalist Society of goading the law school's minority students into raising hell, in part so the student Feddies could appear paragons of reason by contrast. But the president of the law school's Federalist chapter, Scott Hoffert, claimed he couldn't understand why Graglia's visit touched off a ruckus: "We never expected that response," he said. "Accusations that we invited him here to deliberately insult minority students are absurd. We foster discussion."

Former federal appellate judge Abner Mikva, an adjunct professor at the law school, expressed "amazement" over the "incredible influence" of the 140 campus Federalist chapters: "Where so many of the nation's leaders are groomed, the Federalists manipulate the landscape. It was once held that liberals ran the law schools. The liberals had the name but the Federalists own the game. For students on the go, there is no where else to go."

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Memo *of the* Month

UPDATE

January 3, 2000

SAN BERNARDINO TEACHERS ASSOCIATION
1997 E. Marshall Blvd, San Bernardino, CA 92404, (909)881-6755
Mikki Cichocki, SBTA President

SB1969/SB395

For your information. SB395 has been signed into law. This extends the SB1969 legislation until 2005. It also makes some other minor changes. The changes allow for more people to take the staff development courses by extending until 1/1/99 the permanent status eligibility date. It also extends the SDAIE/ELD option to single subject teachers.

At this time the District and the Association have NOT planned additional classes for this year. We will enter discussions with the District regarding SB1969 later this school year.

PAR Update

The Joint District/SBTA task force has met and agreed on some common ideas for Peer Assistance and Review. These items will be sent to our bargaining teams to negotiate all the details. As we come to some understanding, you will begin receiving PAR Updates.

Let's Fix Our Schools

On March 7, one of the myriad of initiatives we will be voting upon is Proposition 26. Prop 26 is the Let's Fix Our Schools initiative. Prop 26 will reduce the percentage for passing a local school bond to a simple majority. This is crucial to our ability to build schools. As you know, we qualify for more schools than we have the money to build. We will need to pass another local bond in the not so distant future. Watch for more information in NEWS & VIEWS and from our PAGE committee.

Personal Necessity Leave

You are entitled to four personal necessity days for personal business without giving a reason. When you turn in your application for leave (PE115), DO NOT PUT A REASON ON THE FORM! We continue to have PE115's denied because the applicant puts a reason unacceptable to the District. Remember these days are for personal business and not recreation, outside employment or union business. Also, these days may not be taken the day before or after a holiday or the first or last 5 days of a semester.

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With health care near the top of everybody's issue list in this election year, we wanted to call attention to one of the issues the country should be thinking about: how U.S. health care stacks up against Canada's universal single-payer system. We knew that Adam Gopnik and Malcolm Gladwell have both lived in Canada and developed strong feelings about socialized health care—pro and con. And, as we have long had the highest regard for their work, we thought it would be interesting to bring them together for a debate through which they could share their insights with each other and our readers. Because they both work for The New Yorker, *we asked the permission of their editor, David Remnick, to undertake this project and he was kind enough to grant it. Robert Worth, one of our contributing editors, volunteered his services as moderator.*

As you read through the following discussion, you will probably find yourself eager to support, rebut, or elaborate on arguments and factual assertions that have been made. Please do. Your comments should be marked "Health-Care Open Forum" and sent by post to ***The Washington Monthly, 1611 Connecticut Avenue, NW, Washington D.C., 20009*** *or by email to* ***editors@washingtonmonthly.com.*** *We look forward to hearing from you and will publish selected responses in our May issue and on a special Web page:* ***http://www.washingtonmonthly.com/debate.html.***

Canada v. U.S.

A health-care debate between Adam Gopnik and Malcolm Gladwell

Moderated By Robert Worth

Adam Gopnik:

I have lived under three different medical regimes: Canada, the United States, and France. I have been seriously sick under all three regimes and had many family members with similar experiences.

My wife's sister had a very, very premature baby born in Edmonton six years ago, the kind of baby who normally lives in about 20 percent of cases—and they had eight months of intensive care. I mean really intensive care. And the baby ended up living. It was a pound and a half at birth, the smallest baby that survived in western Canada in that year. The one thing they never thought about, the one thing they never considered, the one thing they never had to pay a moment's attention to was: How much will this cost? When does our insurance run out? It simply was not in the agonizing equation of worry and concern that they had to face. That seems to me, in itself, the most powerful argument you can make for socialized medicine, to put it in the bluntest possible terms.

Malcolm Gladwell:

It's interesting, because my own personal experience... We'll start with the anecdote. When I was 16, I was working 12-hour shifts as a dishwasher. I was biking home one night in the dark and something happened and I ran off the road and I basically impaled my eye on a stick. I was unconscious for several hours, came to, biked home. When I woke up the next morning, my right eye had essentially... The pupil had come out of the socket. A huge swelling. I went to the doctor. The doctor examined me and sent me home. The swelling didn't go down.

AG: This was in Nova Scotia?

MG: This was in Canada, in Ontario. They checked me into the hospital and observed me and the swelling didn't go down. Finally, eight days later, they took me to Toronto where I got a CAT scan. Now this is 1984, and it took them nine days to give me a CAT scan after blunt trauma to the head. The main thing in America is that's an open and shut malpractice suit. We had to drive a hundred and twenty miles to get to a CAT scan. What's interesting about this, of course, was that the doctor looked at me, and before he even gave me the CAT scan, assumed that I had suffered irreversible brain damage. He informed my mother—I was about to go to college—my mother said, "Well, [he's] about to go to college", and he said, "Well, your son isn't going to col-

Malcolm Gladwell and Adam Gopnik *are staff writers for* The New Yorker. Robert Worth *is a contributing editor for* The Washington Monthly.

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lege. He has clearly suffered irreversible brain damage."

AG: So he's going to write for *The New Yorker* instead. [Laughter.]

MG: We're nine days after the accident! In 1984 this was state-of-the-art medicine in Canada because there were at that time something like, I think, five CAT scans in the Province of Ontario. Now, at the same moment in 1984, there were some hospitals in America...

AG: Individual hospitals...

MG: That had five CAT scans. CAT scans were in doctors' offices. And this is sort of a small thing but it tells you the cost. Canada has achieved a wonderful thing, which is universal health-care coverage, but it has achieved it at a price, and that is quality of care. Canadians will argue until they're blue in the face that, in fact, the sacrifices in quality care are not that great. That is, I think, a lie. There are critical sacrifices that have been made and you can argue whether those sacrifices are worthwhile or not. I happen to think that they're not. And I would rather live in a system—and perhaps this is simply a difference with me—I would rather live in a system with the economic fear, knowing that in extreme cases I'm likely to get world-class care than the reverse. I think that one of the principal functions of a health-care system is to offer all of those in the system the greatest possible chance of survival in the event of some extraordinary occurrence. And I had an extraordinary occurrence and I was given essentially Third World care. Now, I was lucky enough to survive, but that is not a risk that I would ever want to take with my own children.

AG: And you're persuaded that was, in no sense, an anomaly.

MG: In America there are clearly several tiers of care. If you're rich you get better care than if you're poor. No question about that. The benefit of that is at the high end there is... People who are upper middle class in America demand, and there is a very efficient market mechanism for delivering to them, the absolute highest quality of care imaginable. Cost is not an object. You go over to Cornell Medical Center and walk through those halls. And I think it's really valuable to have at some point in the system an area where cost is not an object, because that's where all the innovation comes from; that's where doctors get better training; that's where those resources are available when somebody has some extraordinary event.

AG: I'll accept that description. I think that the question then becomes, though, what the trade-offs are, because what you're describing, what you're basically saying now in plain English is, we'd rather have a system in which you have the possibility of superb care, an MRI in every doctor's office, and the understanding that means there will be many people who will simply drop off the lower end—there will be kids who get a stick in the eye and never recover from it—than have a system which attempts to equalize every stick in every eye and in doing so, fails to deal adequately with everyone. These are kind of classic questions of egalitarianism and free enterprise that go far beyond health insurance.

Again, I have to keep coming back to... And, you know, I could offer... I came down with a digestive disease. When you were suffering with a stick in your eye, I was suffering at the other end; and I thought that the care I got at that point... I could put my colonoscopy against your failed MRI, and mine was beautiful.

But rather than do that, I do think that the core issue again—and it's not just a question of Canadian health care, but the larger question of health care in general—is the question about what kind of society you want. Again, I've just come four months ago from the experience of having a baby in France, which has a system that makes the Canadian system look sparse: A hugely expensive system for which we French taxpayers, for which I pay an enormous amount of money, and the system includes a guarantee of four nights in a hospital or clinic for every woman. Here in New York, with the best kind of medical insurance we could have, we had 36 hours to have the baby (my wife did, have the baby) bond with the baby, and get out. In Paris she not only was guaranteed, but it would have been very difficult for her to have less than four nights in a hospital or clinic. In fact, there was a woman who wanted to leave after three nights. An American woman. And the head of the clinic came in and said, "What's the matter? Are you very unhappy here? We're not treating you well?"

MG: Yes.

AG: And I should add, too, that in France, particularly—and I know this is true in Canada, too—it's genuinely democratic. That is, our little boy's babysitter, who's a Sri Lankan immigrant, was pregnant at the same time my wife was and got exactly the same care: four sonograms, four nights in the hospital, the same amount of paid leave, and so on. It's expensive. There's

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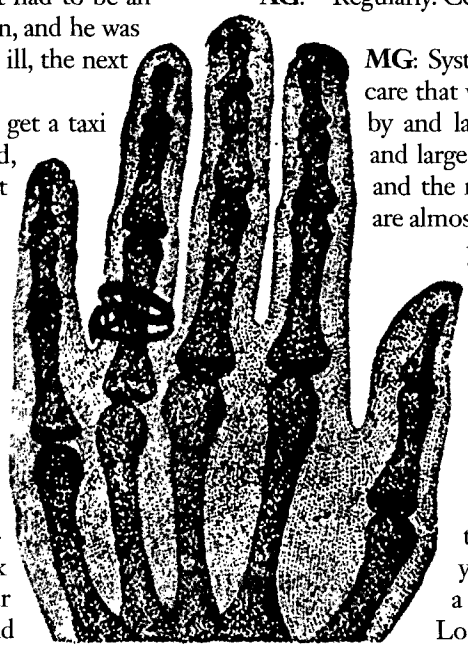
no question about it. Although I should add that we pay in France almost to the penny the same amount of tax that we paid in New York City, because by the time you add in the state tax and the city tax and the taxes we pay to build weapons we will never see and will never be used, it comes out to be very much a wash. The crucial point is, I think, the difference in social tone between a society in which universal access to medical care is taken for granted and one in which it is something that weighs constantly on all of us, even though some of us are lucky to have good insurance, and becomes an omnipresent preoccupation to the lower middle classes and to the working poor. It's enormous.

One of the most memorable experiences I had in France was when our little boy got terribly ill with what turned out to be salmonella poisoning last Christmas in Paris, as sick as I hope I ever see him. We had to take him to the pediatrician. Our pediatrician got very emotional about it. One of the big differences between American medicine and French medicine is that French doctors are not trained to be clinical. When they see a sick child they say, "Oh, my God, he's so sick! I've never seen anyone so sick! You'd better get him to a hospital right away!" So it sends the parents into a panic. We ran into the children's hospital in Paris. He got terrific care. They did a barium enema with him, and they did an MRI, and they did an x-ray. There are many people who say that the French over-test: You shouldn't be doing x-rays on four-year-old children unless they're on the verge of dying. Nonetheless, they did all these things and they did it in three and a half hours. They realized it was no physical obstruction and it had to be an infection. They gave us a prescription, and he was much better, after being profoundly ill, the next morning.

We were leaving the hospital to get a taxi and I turned to my wife and I said, "Nobody asked us anything about money!" Nobody asked us to show them our insurance. Nobody asked us to show them a credit card. It simply wasn't addressed. About six weeks later we got a bill from the hospital—because we're in a slightly funny situation because of the nature of the taxes we pay—for 600 francs, about a hundred dollars. The overriding fact was that when we arrived—and I have arrived in emergency wards in America with sick children, and you spend half an hour figuring out who is going to pay and how this sick child will be paid for—when we arrived at the emergency ward in Paris with a sick child, who would pay for this sick child's illness was simply not a question that anyone raised.



As somebody who's lived under both systems I feel a kind of ease and pride in a system where the primary question is not who's going to pay and who's going to make money from my kid's illness or my daughter's birth. The answer is, I pay; and I pay big taxes in France in order to have that particular civilization rather than some other one. Having lived under both, for me it's a no-brainer: I would rather pay the extra money and know that everyone I looked at on the subway was not going to worry about how they were going to pay for their kid's illness.

MG: Let me reframe the argument for a moment. It's clear that these systems mean different things to different people at different stages in their lives. I think it's very useful to think of them... If I might offer one sort of reductive way of looking at these questions, let's think about this in gender terms. Women and men use health care in profoundly different ways. Women and small children use... The most important thing that they need is a personal relationship with a doctor. They use the health-care system chronically, that is to say, from the age of... From the moment that they reach reproductive health, from the moment of menarche through to the end of their lives, they go to the doctor, need to go to the doctor about every month, every couple of months.

AG: Regularly. Certainly systematically.

MG: Systematically. And the kind of health care that women need up to middle age is, by and large, relatively low tech. It is, by and large, things that we know how to do, and the real critical questions for women are almost always solved by: Have you seen your doctor recently? Are you getting a check-up?

AG: A Pap smear. A breast exam. Whatever.

MG: If you look at patterns of mortality for women, and morbidity, there are many, many more things that can go wrong in a 30-year-old woman than there are in a 30-year-old man.

Look at the way that men use the

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health-care system. They use it not chronically, but acutely. The problems that strike them, strike them well into middle age. A 30-year-old guy does not need to go to the doctor ever unless there is something obviously wrong with him, and, in fact, many 30-year-old men, 40-year-old men do not go to the doctor. The pattern of male illness…

AG: Not to interrupt, but Dave Barry has a whole thing about the doctors for guys. He just looks at you and says, "You look fine!" And then you go home.

"The one thing they never thought about, the one thing they never had to pay a moment's attention to was: How much will this cost?" —*AG*

MG: And if you look at the reasons why men get sick as opposed to reasons why women get sick, men, up until their 60s, essentially, they either get shot or they die in car accidents. Women do not get shot or die in car accidents. It's actually quite striking. Women die of cancer, or they die of very, very different things until you get up into the late 60s and 70s.

AG: When they'll start dying of heart attacks.

MG: They go boom and it's over. That suggests to me that the ideal health-care system for a man is very different from the ideal health-care system for a woman. In fact, what a man wants from a health-care system is a health-care system that is acutely oriented, not chronically oriented, that is much more interested in quality of care, much less interested in access. A man doesn't need access to care until he's very old. He wants a high end, super-specialized system that when he has something seriously wrong with him fixes it right away. A woman, on the other hand, wants a system that's low tech, that sacrifices quality for a kind of presence. She can go to the doctor three times a month if she wants to and get a personal relationship with that doctor.

The Canadian health-care system is a health-care system for women. The American health-care system is a health-care system that is perfectly situated for men. It's the male health-care system. This whole debate about what is better, the American system or the Canadian system, is essentially a variant on the gender war. As a man, I am infinitely better off in America than I am in Canada. Were I a woman, I would be much happier with the Canadian system, where I can go and see my ob/gyn for free, day in and day out if I wanted to, than I would be in America. I think once you think about those systems that way it sort of clarifies what's wrong with each. The Canadian system is not a good system for men.

There are two things that America developed that would not have been developed without Americans: trauma care. The idea of sending in a helicopter to pick up someone who was in a car accident and getting him back to a helipad at a hospital, rushing him downstairs and dealing with him right away. That comes out of the Vietnam War. That is an American invention, and it has saved thousands of lives. It has saved male lives.

AG: Women don't get in accidents or get shot in bars, right?

MG: Right. They don't get shot, and they're not involved in multi-car pile-ups at 2 a.m.

The other great thing that Americans have discovered is, of course, organ transplants. If you look at the gender breakdown in organ transplants, organ transplants are all about men. Women don't need liver transplants because they're not drinking the same way men are drinking. It's not women who need heart transplants at 45, or have kidney failure. Liver transplant is precisely the kind of incredibly expensive, incredibly high end, incredibly complex health-care intervention that is really important if you're a guy. Transplant in Canada and trauma care lag behind America by 15 years, so I don't even know what the numbers are.

MRIs and the whole medical technology thing is another example. Canadians were incredibly slow to adopt this kind of cutting edge. Why? Because women don't need MRIs! It's a female health-care system. So, if you look at it that way… I don't mean to sort of completely rag on the Canadian system. I think it's good. I think it's perfectly designed for feminine care.

AG: Since you've also mentioned the fact that the American system is for rich men, perhaps the Canadian system is for poor women.

MG: I disagree profoundly. I have never bought the argument that the American system is all that bad for poor men. I think it's fine for poor men. Remember, men don't need health care until they're middle-aged. If you look at the population of people in America who are uninsured, they're all young. There aren't old peo-

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ple on that list. And it is not a bad thing for a 25-year-old male not to have health insurance. That's not a crisis. I'm sorry. It's something… If he gets in a car accident, he gets the care. Hospitals are non-profit in this country for a reason: They provide charity care. They are obliged by law to provide charity care to those who don't have money; so there is a method in play for the extraordinary events that happen to a man.

Now, for a woman of 25, I would say that's a problem, but I don't think for poor men the American system is a problem. They get the same access to quality… If you get in a horrible pile-up and you're broke, the helicopter still comes.

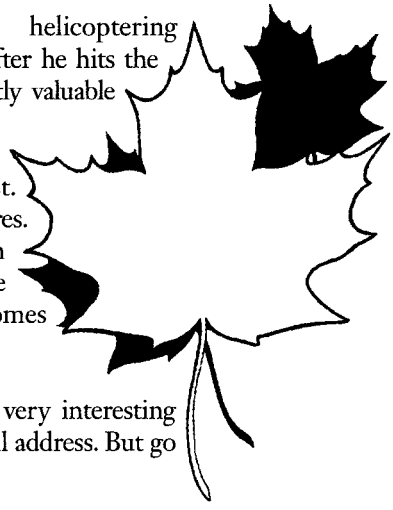
AG: Hold on a second, Malcolm. If you get testicular cancer, which does happen to young men, then you're in rough shape. I'll buy your analysis, which I think is brilliant. But it strikes me that, again, it touches on a question of values. When you say the Canadian system is good for women, what you mean is that it's designed to be a system of care, that is, it's a non-heroic system, and its emphasis is on non-heroic medicine. And it strikes me that much of heroic medicine that is done in America is useless. In fact, you know how much American health care gets spent on the last two years of life. You know how much money is spent in the last 18 months of life.

MG: Is that specific to America?

AG: Yes. That's not true in Canada. That's not true in Canada. In the book you sent me, in fact, it's…

MG: O.K., you've done research.

AG: We all know stories, personal stories of old people who are dying of lung cancer or something else who were, in effect, kept alive (I don't want to say unnecessarily), but who were kept alive by heroic measures that were hard to justify in terms of what they cost and what was involved. And I think that tends to be much more an American model than a Canadian model. The Canadian system does not encourage and does not reward heroic medicine as a matter of course. And the American system does encourage and reward heroic medicine. I know the crucial thing about most women's cancers is early detection. In fact, if you go regularly and get it looked at, if you catch breast cancer and cervical cancer early, they can be cured pretty well. If you catch it late, you can't cure it at all. That's true about most of those kinds of cancers. I'm not sure that the things that American medical care is good at, all those heroic measures, transplants and helicoptering Sonny Bono in after he hits the tree, are sufficiently valuable to society as a whole to justify the social cost. Look at the figures. Depending on how you fiddle them, the outcomes are similar.



MG: That's a very interesting point, which I will address. But go ahead.

AG: All right. Let's stipulate for a moment that the outcomes, though different… That is to say, life expectancy, which is, in fact, somewhat higher in Canada; infant mortality, which is much, much worse in the United States than in any other industrialized country and I think is partly a function of our system…

MG: Wait, wait, wait! I refuse to let you get away with that! You've given three whoppers! One is the suggestion that outcomes are similar between Canada and the United States. They are similar in mortality; they are very different in morbidity, and that's a critical point. The second thing is the suggestion that there is any link between the health-care system and infant mortality is, to me, utterly outrageous!

AG: Well, how do you explain the American rate of infant mortality?

MG: These are dramatically different countries with dramatically different cultures, with dramatically different social and economic problems. Find me an inner city in Canada.

AG: But isn't that a circular argument? In other words, yes, it's quite true. These are different civilizations with different cultures. But the United States is the anomaly. That's what I'm trying to say by drawing in the example of France as well. The standard model in rich industrialized countries is that you have universal health care of one kind or another. I think, having seen the British and the French and the Canadian systems together, I like the Canadian one. That may be a prejudice. But the United States is the anomaly here. It's quite true. There aren't inner cities to the same degree; and to the degree that there are urban poverty problems in France,

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for instance, they are not reflected in health problems of that kind particularly. They're not reflected in infant mortality rates. It's true that they're reflected in teenage mortality rates more and more, and those are questions of knives and guns rather than anything else. But my point is that—it's exactly the point I'm trying to make—before they express some particular pragmatic model of care, health-care systems reflect the values of society.

It's perfectly true that the American system reflects the values of (and now I'm going to be unfair. I'm going to take an argument I never would have thought would come from my mouth) a male-dominated, heroically-oriented, inegalitarian society; and if that's a model that you find effective and pleasing and acceptable, I can't argue with that. On the other hand, it seems to me that the systems, different as they are in societies as different as France and Canada, reflect an attempt, at least, at a more egalitarian, a more universal approach to health care.

"The Canadian health-care system is a health-care system for women. The American health-care system is a health-care system that is perfectly situated for men." *—MG*

I'm going to return now, obsessively, to the point I was talking about: the difference between walking into an emergency ward with your child knowing that what it costs and who makes a profit is of no consequence to anybody involved in the transaction, and a system in which it is of real consequence, even if, in fact, in the long run one can finagle it. But knowing that it is a consequence strikes me as being radically different and it seems to me that one is clearly desirable and the other is not. And let me add, it's probably the most powerful argument one can make for the whole question, different as the systems in France, Britain, and Canada are, as you know the approval rate among the populations just soared. No one in Canada, no one in France, no one even in Britain with the National Health Service, which one could be enormously critical of—it seems to me in many respects a failure—no one would touch it. Margaret Thatcher wouldn't touch the National Health Service in Britain.

MG: That's whopper three. I'm going to take them in reverse order. Let's talk about the approval. The approval question is very, very interesting. But as with many of these kinds of opinion polling questions, it grows much more paradoxical once you look closely. If you ask people in Canada (or in any kind of single-payer system—but let's use Canada as an example), "Do you like your health-care system?"—they love it. Ninety percent plus. If you ask Americans, "Do you like the health-care system?"—they hate it. Then you ask a slightly different question: Do you like the quality of care you get? In Canada, the numbers plummet. In America, the numbers soar. Americans love their personal care and hate their system. Canadians hate their personal care, love their system. That, to me, speaks volumes about the differences between the two systems. The American system is one of those systems that looks horrible from the outside, but to those who actually participate in it, they begin to appreciate what is specific and wonderful about the system.

That leads me to the second of your whoppers, which is if you look at... People always do this when they want to idealize the Canadian health system. If you look at mortality figures, Canadians live just as long or a little bit longer. If you look at their specific death rates from diseases, Canadians aren't dropping like flies, so what's so great about the American system? Well, the issue is not mortality; it's morbidity. If you look more closely, if you take something like heart disease, Americans and Canadians die of heart disease at roughly the same rate. If you look at the levels of suffering, if you look at the guy who is 68 years old and has got blocked arteries, in America that guy gets a bypass and his level of how active he is, whether he's going to work, whether he's playing golf twice a day, the American is way better off. The Canadian isn't going to get... Take a 72-year-old Canadian with severe angina. He does not get a bypass. The American, he gets a bypass in a week!

AG: If he can afford it. If he can afford it.

MG: If he can afford it. Well, most 72-year-olds... Probably a 72-year-old would be on Medicare; so if he's on Medicare, then that question is lifted.

AG: I'm not sure. I'm not persuaded that the 72-year-old Canadian certainly wouldn't get a bypass.

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MG: Oh, because if you look, and I actually did this once. I once did a study—I find this question fascinating—in which I compared Toronto and Washington, D.C., two metro areas that are exactly the same size. There is one team of cardiac surgeons in Toronto that does the bulk of the bypasses. In D.C. there are, like, six. The number of bypasses done in D.C. is many multiples of the bypasses done in Toronto. If you complain of even the slightest chest pain in America and you're, say, in your 70s, boom! Bypass! And you can obviously do too much of it. But the point is that low morbidity does not extend your life. You don't live longer, but you live better! That's why Americans love the system, because American doctors are willing to go to extraordinary lengths to make sure that you live better, not necessarily longer, but better; and I think it's all about better. I don't want the extra year of life if I'm in pain.

Then there was whopper number three that you told, this whole notion that somehow infant mortality rates in this country were…

AG: Tied to, in some cases the consequence of the health system.

MG: Well, this again is one of those questions that is really, really fascinating. When you talk about infant mortality in America, you're essentially talking about African-Americans. Why do African-Americans have an extraordinarily high infant mortality rate? If we had a Canadian system, would that rate be any different? Probably not. Why? Because infant mortality is a function of birth weight, and birth weight is one of those weird things that African-Americans have for generations had lower than average birth weight, much lower than average birth weights. Why? Well the literature is enormous. All these arguments have to do with things like… There's an argument that this is a holdover from the days of slavery, that years and years and years of systematic deprivation creates lasting consequences. That is, if you are a low birth weight baby, when you have a baby, your baby is more likely to be low weight as well. In other words, you get in a permanent cycle of low birth weight. That goes back 100 or 200 years. That has nothing to do with the nature of the system. Better prenatal care doesn't fix that problem. That is a holdover from the legacy of slavery that goes back to the 17th and 18th century. I mean, yes, that says Canada and America are very different societies, but it has nothing to do with the particulars of the health-care system.

AG: It seems to me, though, that the generalization isn't sufficiently large here, and that the whopper you're perpetrating here is that health care in the United States isn't perceived to be in a crisis. I watched Gore and Bradley debate last night. And Bradley sincerely said that he had tears in his eyes, that a mother was telling him about how one of her kids got sick and they were uninsured and that as they were writing a check the kid said, "Mom, I'm sorry I got sick." And he said it was the one time in his life he had cried. Whether that particular story actually made him cry, that's a true story. That happened. That's not a manufactured story. That's a story that you literally could not imagine happening in any other civilized, industrialized, western country save for the United States.

And it seems to me that all the arguments you're making you could make just as well against Social Security, against old-age pensions; that it would probably be true, and it certainly was true that if you didn't have the national Social Security system, for the most part, people would be taken care of by private pension systems and the people who weren't taken care of by private pension systems would be treated as charity cases, and that, in fact, for young men like you and me, or relatively young men, what do we care about whether or not we have a pension? In fact, chances are we have a reasonable chance of being dead by the time we're 65 anyway. We'll be shot or run into a tree or something. And you could construct an entire argument to say—people have constructed those arguments—that Social Security is, in fact, a waste of resources; it's not a good way of solving the problem of how you take care of old people.

MG: You drag in a complete red herring.

AG: I don't think this is a red herring. There are other ways one can imagine caring for the elderly other than having a nationalized system of pensions. Right? And people did get looked after that way. Why could no one touch Social Security, then? Why is it sacrosanct in the United States? Is it because it's the most logically defensible and perfect system for looking after old people? Not at all! It is simply because there's a built-in constituency for it? A little bit, but not entirely. Because it clearly resolves at a societal level a problem that troubles people deeply, which is how do you make

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sure that people—when they're no longer able to feed themselves, and they're no longer able to work for themselves—how do you guarantee that they'll be taken care of? And the answer is that you have to have a universal and national system that has a lot of built-in inequities and a lot of anomalies, but you'll accept the inequities and the anomalies because the overriding principle is so important to you.

So that's exactly the same decision that every other civilized Western country has come to about health care, which is not to say that the system is perfect, but that it resolves a fundamental problem society is faced with. Each society has resolved it in a slightly different way. O.K., the British system seems to me extremely poor, and the French solution seems to be better and the Canadian better in another way, but I don't think you can argue away... Now, it's true that Americans, on the whole, who have doctors, like their doctors. But it's clear that it continues as a crisis, or Gore and Bradley wouldn't have been debating it last night. And this is a problem that has been resolved in the rest of the... in Canada, certainly, as a social problem, and has been resolved in France and has been resolved in Britain. And it is true, no whopper at all, to say that Margaret Thatcher, the most radical libertarian free marketeer, would not and could not touch the National Health Service of Great Britain and defends it to this day.

So it seems to me when you're dealing with something that clearly seems to resolve an anxiety that's felt at a universal level in every society, and you have a way of resolving that anxiety (of course, you can argue your way out of it), you resolve the anxiety. You resolve the anxiety.

MG: O.K. A couple of responses. One is, it's a gross misreading of the Canadian experience to say they have resolved the anxiety. Every time I go back to Canada all I read about is huge arguments in the local papers about health-care funding. They have an argument about health-care funding every year.

AG: I didn't say it was perfect. Yes, of course, there are always arguments.

MG: They have not resolved the anxiety; they have shifted the anxiety.

AG: No, I don't accept that, Malcolm. It seems that they've resolved the anxiety in the sense that you cannot imagine any possible political circumstances in which you could possibly return to an American-style system in Canada. It would be politically impossible. It would be politically impossible to return to an American-style system in France. It would be politically impossible to return to an American-style system in Great Britain. Doesn't this suggest that there is some deep social need that is resolved by universal health insurance, that is not resolved by a patchwork free enterprise system?

MG: Well, let's talk about the patchwork free enterprise system for a moment. What Americans say is, if you're poor, we're going to give you essentially a universal health-care system, Medicaid. Right?

AG: If you're very poor.

MG: Well, anyone who doesn't have a job basically qualifies for Medicaid.

AG: Not if you're working poor, but go ahead.

MG: And then we say that if you're old, you're going to get health care. And incidentally, Medicare and Medicaid, if you look at the funding of those systems, those are two of the most generously funded systems in the entire... In fact, over-funded.

AG: My uncle was in geriatrics, in fact, because that's where the money is.

MG: So, we take the two most vulnerable and deserving groups in society and we take care of them. And then we say: O.K., if what we want to design for everyone else who's working is a system where there is maximum flexibility. Your employer can choose to offer you; it cannot; or you can choose to get your own health care or you cannot. So that system leaves some proportion of people without insurance, which means that two things happen. And that proportion, I would point out, is 20 million, somewhere...

AG: Oh, it's merely 20 million! [Laughter.]

MG: Of those 20 million, like I said before, I'm not that concerned about what proportion of those are young men. I don't know that young men need health insurance.

AG: Let me just say parenthetically that young men tend to father young babies. In that sense they need health insurance.

MG: I know, but even then... It's not as if hospitals

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are turning people away who can't pay. Hospitals in this country, as I said before, are non-profit for a reason.

AG: They aren't all non-profit. Most of them aren't.

MG: They have a social obligation to provide charity care, and if you look at the charity care burden of most nonprofit hospitals in this country it is not inconsiderable. They provide an awful lot of free care and they do it because they are serving that underserved... Now the question is, are the advantages associated with having that middle portion of working people under a maximally flexible system greater than the disadvantages? I think they are overwhelmingly greater.

Now, let's bring up something that has not come up so far in this conversation and I think it is a striking omission, and that is, if you look at the level of medical innovation in the world in the last 25 years, virtually everything comes from America. Absent America, medicine in the world is in the dark; it is retarded; it is at a level that all of us would find unacceptable. What is happening right now is that all these cheap single-payer systems are essentially poaching. They are cherry-picking off the American system. The American system is pumping money into research, has got this free market system which is incredibly dynamic and incredibly innovative. Everyone else just sits back and cherry picks all of the things we come up with. What happens if there's no America tomorrow? What happens if we junk our system? Where does medical progress come from?

AG: Again, I think that's an exaggeration, to put it mildly. I first got interested in this problem when Paul Tsongas was running for president and he said that the surgery he'd had wasn't possible in Canada. In fact, that surgery had been pioneered in Canada—the bone marrow transplant that he had.

For the great majority of illnesses that people face and non-illnesses, like giving birth, which is not an illness but is a medical procedure, you don't need heroic technology; you don't need cutting edge technology. You need what doctors and nurses are able to give. In those ways it seems to me the question of what you call cutting edge, what we might otherwise call heroic medicine, is more or less irrelevant. Let's return to something we were talking about before. Certainly there's no problem getting a sonogram in France or getting a sonogram in Canada. It seems to me that if you put the emphasis on heroic medicine, if you define good medicine as heroic medicine, that is, transplants and heart bypasses, which, as you know better than I, are of marginal value, of debatable value as to how much you get from that money you put into it, and put the emphasis instead on the kinds of things that everybody has to deal with all the time—giving birth, getting a stick in the eye, breaking limbs and so on...

MG: Adam, what you're saying is, essentially... You're are infusing a massive prejudice in your system. You're saying that I'm going to erect a system that is biased against people who happen to get ill with diseases that are unusual.

AG: I think that's not an unfair description of the Canadian system. Another way of putting it is it's heavily biased towards people who do have things that are more or less predictable. So, let's come back to the example I gave at the beginning, that is, the premature infant, right? Now, the level of care is superb in Canada for preemies, in fact. Now premature infants are not like guys who need kidney transplants in the sense that what they need is not perfectly understood, but reasonably well understood. They need a lot of care. You build one system that says, okay, we're going to give them a lot of care. We're going to give them round the clock nursing. We're going to give them an incubator. They don't need heart transplants. They don't need artificial limbs. They need round the clock care. We're going to build them a system that's very good at giving them that, and giving them that for free. Well, obviously it's not free, but you won't have to be concerned about cost.

"Health care is one of the few things in life that needs to be withdrawn from the market model." *—AG*

And it's perfectly true that on the other end the 72-year-old man who needs a heart bypass is going to have a relatively harder time. Not impossible but he'll wait eight or 10 months. Those are social decisions that will have to be made. You're a risk-taker. I think that picture doesn't disturb you at all. I have to say—maybe these differences are temperamental, but I think they are deeply ideological in fact... The notion that you and I both could at the whim of our employer lose our health insurance... Now, I'm in quite a different position because I have a family to worry about. Now, it's perfectly true we could get it back again by improvising, by spending money and so on; but tomorrow we both would be unable to pay our doctors' bills if one of our

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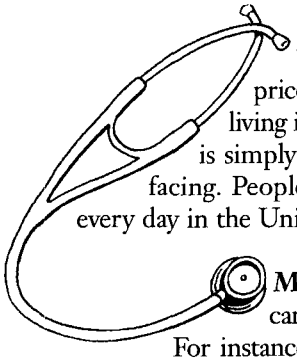

kids or ourselves got ill. That strikes me as quite a price to pay. I know that if I'm living in France or in Canada that is simply not a possibility that I'm facing. People are facing that literally every day in the United States.

MG: But, Adam, you can buy health-care coverage. For instance, I pay $234 a month for my health-care coverage. I'm a free-lancer so I pay my own health care. It's not a lot of money given what I'm getting for it. Car insurance is more than that. Another thing you said... We're over-using "whopper" here. Heroic and cutting edge are not the same thing. You've been conflating the two in order to...

AG: I've been deliberately claiming that what you call cutting-edge medicine sounds to me like what could properly be called heroic medicine.

MG: Let me give you an example of how that's not true. A woman gets a hysterectomy. In Canada, and in most parts of the West, a hysterectomy is fairly major. This country has pioneered laparoscopic surgery with a laser. It is initially a very expensive procedure. You've got to buy the laser. You've got to train the guy in using the laser. However, what it means to a woman is a hysterectomy becomes essentially an outpatient operation. You walk in, you get the hysterectomy, you walk out. Maybe you stay in the hospital a day. So that requires a significant up-front expenditure, but the result is that the woman doesn't sit around a hospital for two weeks. She can go home, she can go back to work, she can take care of the kids. In other words, this is a typical example of what American medical technology does. The American system is willing to pay a large amount of money on the medical side of the equation in order to save a lot of money on...

AG: ...the care side of the equation.

MG: No, no. The American system shifts costs from businesses and families on to the health-care system. The Canadian system does the opposite. The Canadian system says, let's give this woman a traditional hysterectomy, which will cost far less, but she's going to be on her back. She's going to be in the hospital for longer and she's going to go home and she's going to be useless for two weeks. The Canadian system has no problem inconveniencing the family and fundamentally inconveniencing the employer. The American system says, no, we're not going to inconvenience the family. We're not going to inconvenience the employer, but I am going to pay more on the health-care side. That trade-off is extremely typical of the American system.

AG: As an adopted Frenchman I find something chilling in this utilitarian model of what the ideal outcome of a hysterectomy should be: getting that woman back to productive labor as quickly as we possibly can.

MG: Yes, but laparoscopy is certainly less painful!

AG: Yes, I understand that, but that's like the argument about how much time a woman should spend in the hospital after giving birth.

MG: Hospitals are dangerous places!

AG: Believe me, when a woman has been through labor and particularly when she's had a Caesarean, there's a larger psychological need that's fulfilled for that woman by the sense that she is being cared for. She's in need of it. Now we can argue about whether that's... We can argue... In many respects, Malcolm, this is a King Lear question. This is "reason not the need," right? This is a question of what people demand from their society. And you still haven't answered my initial problem, which is, a preemie baby is born, a pound and a half, and when I say that when this happens in America, your insurance runs out. You run up bills of hundreds of thousands of dollars to care for that baby. And I have friends for whom the insurance has run out.

This is not a whopper. This is not something I'm imagining. This is something that happens with regularity in the United States, and you are left with an enormous medical bill as a consequence of having kept your child alive. This happens in the United States. This does not happen in Canada. This does not happen in France. This does not happen in Great Britain. These are fundamental human facts, and we can argue about modalities a lot because modalities change all the time and the ideal number of days for a woman in a hospital after a hysterectomy is a modality that we an argue about, what the best way is to do. Similarly about pregnant women. The model—and I keep coming back to this and I know that this strikes you as unduly abstract and rhetorical, but it strikes me simply as focusing on the real question of values rather than of medical strategy—the difference in a society in which a one and a half pound baby is not going to be a financial burden on his parents if he survives, and one in which it will be

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an enormous and crushing financial burden on his parents, is of two very different societies.

MG: But, Adam, one of the things that you've done very cleverly, but consistently throughout this discussion, is you have taken technical questions and elevated them to philosophical questions. It's always my approach to say, before we discuss the philosophical end, let's see if we can resolve it technically. Your preemie baby example, to me, is a perfect example of this particular rhetorical technique of yours. Can we resolve this technically? Well, as it turns out, we can. If an American family has health insurance that runs out if they have a preemie, they've got the wrong health insurance. This is a purely insurance question. Can you buy health-insurance policies that cover you for an unlimited amount of time if you have a preemie? Yes, you can. Should women who are at high risk of having preemie babies buy that policy? Yes, they should. And if they don't, whose fault is that? Well, it's lots of people's fault, but people should be aware. We haven't described a fault in this system; we've simply described a fault in educating people about the need to buy appropriate insurance.

AG: Malcolm, it strikes me you've really gone native in the United States [laughter] because, O.K., so it's the woman's fault. Tough luck on the baby!

MG: No, no, no, Adam. I deliberately did not say it's the woman's fault. No, no, no, no. What we've described is the market breakdown, a breakdown in the market. That's lots of people's fault. My favorite thing in discussing reproductive health issues is to blame the ob/gyn. I think ob/gyn's have to say that if a woman is 36 years old or is having a first child and is a smoker and herself was a preemie baby, they should say to her: Is your insurance adequate for this pregnancy?

AG: But it's in the nature of health emergencies that they're emergencies; they're unpredictable, and that, therefore, nobody can adequately anticipate what's going to...

MG: So maybe all women who are having babies over the age of 30 ought to buy... And it's not going to be that much more expensive.

AG: Can you really imagine educating women effectively in a society like ours?

MG: Why not? Are you trying to tell me that now the principal reason that we ought to have single-payer state health-care systems is that we can't educate consumers?

AG: No, but I think you've put your finger on exactly the point: Are you going to see the health-care system as a consumer system? Are you going to have it run by a model of consumers and producers, and is it a good idea to see every social transaction in terms of a market model? That's the core question we're asking here, and that's not a philosophical question masking a technical question; that's a real philosophical question. Because what you're asking for, Malcolm, basically, is a classic free market argument, that the market will solve its inefficiencies and will ultimately give you all the things markets give you: innovation.

"You look at the level of medical innovation in the world, virtually everything comes from America." –*MG*

But one of the consequences of market arguments is, if you lose, tough luck! That's basically what the market says to the losers. It says, tough luck; try again next time. Only we're talking about human lives. We're talking about premature babies. "Tough luck, try again next time" strikes many people as an inappropriate answer.

MG: But, Adam, the percentage of those American women, families, who have premature babies and whose insurance runs out and who, as a result, are left deeply in debt is not large.

AG: This is an argument Mr. Gradgrind would love. This is truly an argument Mr. Gradgrind would love. It doesn't happen to many women. Are there no workhouses?

MG: I don't think that the case against the American health-care system stands or falls on the treatment of some women who happen not to have adequate insurance for their highly premature babies. And I would also point out that if we examine closely the history of care for premature babies that all of it came from America. This is a classic condition for which the American health-care system pioneers treatment.

AG: I am, as I am on all the technical details, inex-

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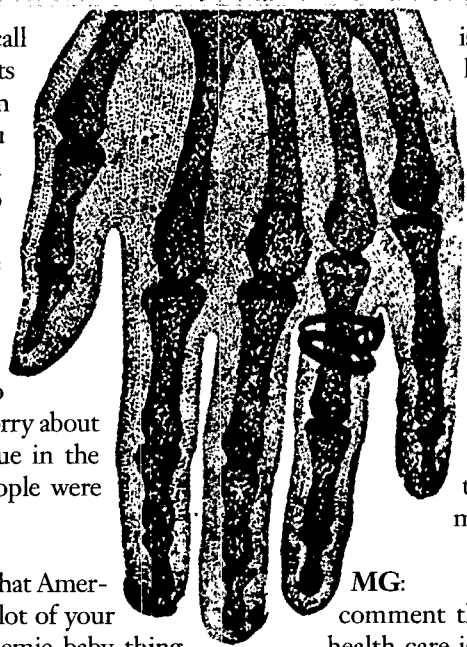
pert on that. But you choose to call rhetorical and sentimental points which strike me as the common sense values of the civilization. You have, on the one hand, a society in which, when you take the kid to the hospital, nobody asks you who's going to pay for it and one of the things you don't worry about is who's going to pay for it; and, on the other hand, you have a society in which people do worry about it. And people do worry about it. This would not be a live issue in the 2000 presidential election if people were not concerned about it.



MG: I don't mean to suggest that America is blameless. In fact, I take a lot of your criticisms. But let's take the preemie baby thing. Let's assume that you're right, okay? That this is a terrible problem. Look, it is a very simple matter for congress to pass a law which says that all health insurance covering obstetrical care must include an unlimited component for preemie babies. You don't have to change the system.

AG: Okay, but now we are getting into questions of modality. In other words, we can slowly—and this may have been a much wiser solution than the ones that the Clintons came up with—slowly grow Medicaid and Medicare until you have a universal system. You take in one thing after another that's going to get looked after. That would probably be the most realistic solution within an American political system.

I do think that trying to make analogies between health care as a problem and every other problem we're confronted with as consumers is ultimately a false analogy. Two things have happened, it strikes me, if I may now really move to a Hegelian level of historical generalization. Two things have happened simultaneously in the 20th century. One is we have seen just how valuable the market model is in ways that nobody could have predicted at the turn of the last century, and at the same time we have withdrawn certain aspects of our lives from the hold of the market, and we've done it because we have the Dickensian model behind us.

We see what happens when you have workhouses and poorhouses as solutions to the problem of poverty. We see what happens when the elderly poor don't have a reliable means of pension. And what strikes me as interesting about this is that those two move together, that is, seeing how clearly markets uniquely create prosperity and at the same time removing certain aspects of human life from the hold of the market, have happened almost universally throughout Europe, Canada, throughout all of the rich industrialized world, except in the United States, where we still have the strange anomaly that we've got health care stuck still in the market model. It strikes me that it's really as simple as that, that it's one of those things, one of the few things in life that needs to be withdrawn from the market model.

MG: I would like to say as my closing comment that what impresses me most about health care is the extent to which more is going to change around in medicine and health care in the next 15 years than changed in the last hundred. I think, for example, the hospital as we know it is dead. I think that drugs become infinitely more important in the next 10 years than they've been previously. All kinds of diseases are going to be transferred from the surgeon to the pharmacist. What I'm most concerned about is what kind of health-care system is the most flexible, the most willing to deal with these changes, the quickest to adapt to them, the most innovative. To me, it's an open and shut case that single-payer systems are extremely inflexible. That is a great cost. The Canadian system has been very slow even to catch up with the change in the last 20 years. And I worry that if we were to move in this country towards piecemeal social engineering we would in some way compromise the system's flexibility at a time when, to me, the most important thing in the next 15 years is going to be flexibility.

We're about to figure out the human genome, for God's sake. Everything hinges on the speed at which we are able to adapt and bring to market that sort of knowledge base. I'm just terrified of tinkering with such an extraordinarily dynamic system at a time when dynamism is, to me, the paramount. I mean, this is the crux of our disagreement. You're impressed with what the medical system is now capable of providing. I am, on the contrary, impressed by what the medical system has not yet provided. And that's why I favor a system that is, for all its faults, incredibly dynamic; and you favor a system that, for all its faults, is incredibly good at delivering the status quo. ●

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Russia's Tumultuous Decade

An insider remembers

By Jeffrey D. Sachs

YEGOR GAIDAR'S *Days of Defeat and Victory* IS A unique chronicle of the first five years of Russia's post-Communist Revolution. Through Gaidar, we again ride the whirlwind, experiencing the drama of the failed Communist putsch of August 1991, the collapse of the Soviet Union in December 1991, the launch of radical economic reforms in early 1992, the violent confrontation with the Supreme Soviet in the Fall of 1993, and a myriad of other pivotal events up to Yeltsin's re-election victory in 1996. We could have no better guide. Not only was Gaidar the intellectual leader of many of Russia's political and economic reforms during this period, but he was also one of the few pivotal actors.

DAYS OF DEFEAT AND VICTORY
By Yegor Gaidar
University of Washington Press, $30.00

From November 1991, Gaidar served as Yeltsin's chief economic advisor and as deputy prime minister. During the second half of 1992, until his ouster by the hostile Supreme Soviet in December, Gaidar was acting prime minister. He returned to Government briefly in late 1993. For the remaining period of these memoirs, Gaidar was a leader of democratic Russian politics, a member of the Duma, as well as a continuing key advisor to the Russian Government and President Yeltsin.

Gaidar's re-telling reminds us of his lucidity, boldness, and persistence. We are also reminded of the shameless naivete or cynicism of many of Gaidar's critics, both in Russia and the United States, who argue to this day that Russia's tumultuous decade was the result of misjudged economic reform ideas championed by Gaidar (and outside economists such as myself). Finally, we are reminded, implicitly, if we care to reflect on it, how much the United States lost by hardly lifting a finger to help Gaidar and his reform compatriots during the harrowing first years of their struggle.

This book is an instant antidote to those such as outgoing World Bank Chief Economist Joseph Stiglitz who somehow confuse Russia's revolution with an academic seminar. Stiglitz leads a group of American academics who think that Russia's reforms suffered mainly because Gaidar and other advocates of "shock therapy" somehow forgot that market economies are based on institutions and laws, and not just on textbook pictures of supply and demand. Duh! Readers of Gaidar's memoirs will quickly learn that Russia's reform struggle was not mainly about the niceties of sequencing market reforms. The real issues were elemental and urgent. Would there be bread in Moscow in the winter of 1991-92? Would private property be legal? Would Russia lurch towards a violent, revanchist politics? Would Russia have a national currency and when? Would there be civil war in Moscow in 1993? In each case, Gaidar's cool pragmatism and power of analysis helped to find a way out of a near catastrophe.

Gaidar's basic goal was unwavering: to help Russia become a democratic, market-based society. At the same time, however, his tactics, such as they were, were driven by the remarkable press of events rather than by grand theory. And in many cases, there simply were no tactics because the reform leaders had no power to carry forward their programs. Even so, the reformers received most of the public blame, not only inside Russia but remarkably even from U.S.-based critics who might have known better. Critics would do well to reflect on Gaidar's superb elaborations of the enormity of challenges inherited from the Soviet collapse: massive foreign debts combined with the exhaustion of foreign exchange reserves; a flight from the currency; a col-

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lapsing energy sector on which Russia's energy-squandered heavy industry depended; the absence of functioning political institutions; the struggle for power between the executive and the Soviet-era parliament; and the chaos of monetary, military, and economic relations among the successor states of the Soviet empire.

The greatest trauma of the first year of reforms was the high inflation that ripped through Russia, decimating savings and undermining confidence in market reforms. This was often blamed on Gaidar's decision to free prices from controls on January 2, 1990, ending decades of state price-setting. The action followed a similar tactic introduced by Poland two years earlier. In Poland the result had been a single sharp jump in prices, followed by price stability, and once-empty store shelves now filled with goods. In Russia, however, the jump in prices was even sharper; the stores never quite filled with goods (though food shortages did diminish); and the inflation kept barreling on, even nearing hyperinflation by the end of 1992.

This book is an instant antidote to those who somehow confuse Russia's revolution with an academic seminar.

Gaidar recounts this experience with great detail, historical sensitivity, and economic insight. (This part alone makes the book required reading for monetary specialists.) Gaidar decided to move abruptly, as in Poland, because of the real danger that price controls, combined with an explosive money printing to fund a huge budget deficit, were leading to the collapse of any trade at official prices, with all transactions taking place in a burgeoning black market. Store shelves were empty. Farmers were hoarding grain. There was real fear of hunger in the cities in the approaching winter.

But Russia's price decontrol did not work as smoothly as in Poland. While food did get to the cities (a major victory), inflation continued to soar. Divided politics kept the budget deficit high. Other post-Soviet states such as Ukraine continued to issue ruble credits, undermining Russia's attempt to end inflation. (It wasn't until mid-1992 that the various new states effectively separated their currencies.) And the Russian central bank, led by Communist-era apparatchik Viktor Gerashchenko, undermined Gaidar's anti-inflation strategy by relentlessly printing money. This cost Gaidar precious public support and definitely contributed to his ouster as prime minister by the Supreme Soviet at the end of 1992. Gaidar writes that his support for Gerashchenko's appointment in 1992 was perhaps his biggest blunder that year.

These may seem like ancient battles, but in revolutions early events can have fateful consequences. Thus, Gaidar's ouster led to the return to power of Communist-era apparatchiks such as Prime Minister Chernomyrdin, who presided over a period of stunning corruption (while being showered with U.S. affection in the Gore-Chernomyrdin get-togethers). The Russian public came to view reform as the combination of inflation and corruption. In this, as in many other things, the reformers who fought hardest against these outcomes took much of the blame.

There is a critical episode of Russian reform history on which Gaidar is disappointingly silent. Long after his second departure from power, after the fateful battles on inflation and voucher privatization, came the corrupted privatization of oil and gas enterprises, under the rubric of a bizarre "shares for loans" scheme. In essence, tens of billions of dollars worth of natural resource deposits were turned over to Yeltsin insiders, doing much to create the corrupt "oligarchy" that has so poisoned Russia's politics in the past few years. The true story of these grotesque financial manipulations is still not known. Reform leaders such as Anatoly Chubais presumably played a role, but that role is obscure and debated. Given the scale of abuse, the Russian public (and the world public for that matter) deserves an explanation.

Since this important book was first published in Russian for a Russian audience, it gives us a realistic glimpse into the internal Russian debate, not written for a Western audience. The role of the West in these events can therefore be more accurately sized up in this book, rather than it can in stump speeches given by Russians to Western audiences. The result is rather stunning. The West plays almost no role whatsoever in these pages.

In the few places that the West is mentioned, the reading is sobering, even distressing. As I myself witnessed, Gaidar's first encounters with the Bush administration came in the form of tough U.S. warnings that Russia should continue to pay its debts at all costs (specifically, that a default would be met by a stoppage of vital food aid). The result was a contribution to Russia's financial destabilization at the critical period of early 1992. The IMF is written off as a thoroughly miscast institution, not appropriate for the tasks for which it was assigned by the West. It is specifically charged

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with having delayed stabilization in the vital months of 1992 by its mistaken advice to the post-Soviet states to delay the introduction of national currencies. In short, the West did almost nothing to affect the outcomes for democracy and market reforms in Russia, despite all the high-minded rhetoric to the contrary. If anything, the early inaction (on aid, on monetary reform, on debt rescheduling) made things worse. The subsequent blind eye to corruption merely added to the deep skepticism of the Russian people that the U.S. and Europe actually cared about their welfare.

Advisors such as myself don't even get a bit role. This, I've always tried to explain, is how I actually felt when in Moscow. After helping to devise and introduce Poland's reforms during 1989-91, and after conveying their significance to Russian colleagues such as Gaidar in late 1991, my actual influence on events was essentially zero. This was certainly true inside Russia, but also in the U.S., where both the U.S. government and the IMF simply rejected my criticisms of their inaction (to provide vital aid and debt relief) and policy recommendations (such as to maintain the Soviet-era ruble as a shared currency).

Many of the key American advisors from the period 1991-96 are still in positions of enormous influence. Many of the Bush Administration advisors who did so little in the first year of Russia's reforms are key advisors of George W. Bush. And of course, much of the Clinton team remains in place. They would learn a great deal from this book. I earnestly hope that they have a careful look in preparation for more fruitful relations between Russian reformers and the U.S. in the coming years, when both Russia and the United States will have new presidential leadership. ●

Did The Seventies Make Modern America?

This book-length op-ed isn't convincing

By James Fallows

HOW WE GOT HERE
The 1970s: The Decade That Brought You Modern Life (For Better or Worse)
By David Frum
Basic Books, $25

DAVID FRUM IS A TALENTED WRITER WHO has produced good books before and presumably will do so again. I don't think much of this current book, but out of respect for Frum, let's treat it as a specimen of a general problem in non-fiction book writing rather than a particular lapse on his part.

The problem I'm thinking of is the prevalence of the "op-ed book." These are books that exist principally as vehicles for introducing a specific point into current political discussion, rather than as works designed actually to be read. The publisher of such a book hopes that attention to its argument will persuade lots of people to buy it. The author hopes that, by presenting his ideas in book form instead of merely in an article, he will gain leverage for his argument. This is usually a reasonable expectation. When the book comes out, the author puts out a round of op-ed pieces explaining his point; the book-reviewing apparatus further examines, defends, or criticizes the idea; and the syndicated columnists take it from there. ("In his provocative new book *Saints in the Sand*, Joe Blow argues that Mormons now constitute an American majority. But in fact the most interesting religious trend in this campaign year is...") It is easy to think of countless such "op-ed" books published in the last decade—on political trends, male-female relations, racial issues, you name it. One handy indicator is William Safire's annual "which books will make news?" quiz in his *New York Times* column, which touts a handful of upcoming books with one-sentence summaries of their arguments.

The most important trait of the op-ed book is that the heart of the normal book "experience"—namely, someone voluntarily spending hours reading what the author has created—is at best incidental to the op-ed book's success. The point is not that, in modern Amer-

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ica, few people take the time to read whole books. I am regularly impressed on train or (especially) airline trips to see more people reading books than looking at magazines or newspapers. Rather it is that books designed to be read—short ones like business how-to books, fat ones like the typical biography or Tom Wolfe novel—must offer the reader some payoff for the hours invested. That is, there must be some difference between knowing about the book, and having absorbed what's on the pages yourself. The payoff is most often that timeless standby: narrative (novels, mysteries, romance). It can be the enjoyment of a particular writer's tone or sensibility (the inexplicable-to-me success of the Peter Mayle *Provence* books, the joyous tone of Michael Lewis' *Liar's Poker* and other tales). It can be the detailed recreation of past worlds (Stephen Ambrose's or David McCullough's histories, thick biographies like *Lindbergh*). It can be the presentation of a complicated argument, whose ramifications require sustained attention from the reader. (Mickey Kaus' *End of Equality*, or Robert Wright's sociobiology books. Agree with it or disagree, Michael Lind's recent book in defense of the Vietnam war was worth reading, rather than reading about, for this same reason.) It can be the presentation of new information, in a form whose depth and detail have an effect no op-ed piece can approach. (Nicholas Lemann on the testing system, Taylor Branch on the civil-rights era, to choose two examples by *Washington Monthly* alumni.) It can be very specific practical information on love, diets, golf.

Obviously this list could go on at length. The crucial point is that people *read* books, as opposed to reading *about* them, for the same reason they go to movies rather than just reading reviews. The direct experience of the work is different from knowing its distilled argument, and the difference is worth the hours of your time it requires.

That's what's missing from the op-ed book: a reason to spend time with the work itself, once you know, via reviewers and columnists, the main point it's trying to make. This lack, in turn, often arises from the way the book is put together. Very often these books reflect the following creative sequence: author has a "high concept" idea, either as a contrarian twist on the conventional wisdom or to fit some think-tank or political-party agenda. (The authors of op-ed books are frequently based at think tanks. David Frum wrote this book while at the Manhattan Institute.) Author sells the idea to a publishing house, on basis of a high-concept outline, in hopes that controversy about the book will make it a hot seller; author hires a research assistant to do Web and Nexis searches for citations bolstering the point, and maybe does some set-piece interviews or field trips to settings likely to support the thesis; book comes out; debate begins; author hopes the book sells; people see allusions to the book, classify it as something they agree or disagree with, join arguments about it... but never hear their friends say, "Hey, you've *got* to read this book."

This brings us back to David Frum's *How We Got Here*, which unfortunately illustrates most of the traits of the op-ed book pathology. It exists to present an argument that is concise enough, and cleverly contrarian enough, to be picked up in subsequent op-ed columns. Here it is: It wasn't the 1960s that messed up America, Frum says. *It was the 1970s!* The book expands this point with chapter-by-chapter surveys of the natural subject areas—which are also the most predictable subject areas, if you've read any neo-conservative literature in the last 15 years. Instability of marriage, mistrust of government and other institutional authority, eroded patriotism, disdain for the military, "counter-culture" domination of the media. Frum's evidence for these trends is drawn almost totally from old newspaper and newsmagazine clippings, from movies and novels of the 1970s, from political speeches, and from other already-on-the-record documents. If Frum interviewed even one person while putting together this book, I missed any indication of it. Frum concludes with a chapter on interpreting the 1960s and 1970s, which is the best part of the book and to which we'll return.

So what's wrong with this approach? The "research" method typical of the op-ed book is the key to everything else. Everyone brings preconceptions to the search for data, but in the op-ed book you start with the premise and then scan the clips and search the Web to find supporting material. Good books don't always require original reporting—some tour-de-force essays let us see the familiar in a new way. But the danger of this op-ed approach is that it virtually eliminates the chance that the author will be surprised, stimulated, or provoked into refining his premise by the sort of bumps you always encounter when interviewing people and observing the real world. The result of the op-ed process has the strengths and weaknesses of the typical high-school debate brief. You know which side of the argument you're supposed to take, and you riffle through the reams of available material for the items that support your case.

Frum's book reveals its origins in many ways. Every conceivable cliché about the 1970s is revived here. The chapter about the environment begins with, yes, the snail darter. As soon as Frum starts talking about the jogging fad, you know that he will build to the heavi-

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ly-handedly "ironic" fact that Jim Fixx, author of *The Complete Book of Running*, died in his running shoes of a heart attack.

The book is not totally devoid of surprise. In a few places so vivid they practically jump out from the surrounding drear, Frum offers facts or comparisons that dramatize how quickly the assumptions of American life can change. For example: In 1971, when Bryn Mawr College surveyed its five most recent graduating classes, its alumnae reported the births of a total of 70 children. Five years later, when it conducted a similar survey of recent classes, the alumnae reported a total of *three* new babies. Another illustration, showing how far medical science moved in the 20th century: In 1924, Calvin Coolidge's teen-aged son neglected to put on socks with his tennis shoes, when he went out for a match on the White House court. He developed a blister, which became infected—and in that pre-antibiotic era, he died within a few days.

But the general effect is extreme familiarity, which reduces the incentive for anyone except a reviewer to finish the book, and which reinforces the impression that Frum started with conclusions and then went looking for evidence. The book is remarkable, and remarkably different from Frum's previous work, in its gross overstatements. For instance:

"Modern America is prepared to tolerate vast inequalities of wealth. What it will not tolerate is any claim of inequality of achievement." *Huh?* What about the current lionization of tech geniuses and billionaires, or *Time*'s pick of Albert Einstein as Person of the Century? The context of Frum's statement is saying that some *cultures* are more achieving than others, and people are uncomfortable saying so. That's a fairer point, but his "what it will not tolerate" sentence is typical in its sweeping oversimplification. Or:

"Compare a year's worth of *New York* magazines from 1975 and 1995. The 1975 volume contains 209 photographs and drawings of scantily clad or naked or provocatively posed women; 1995 contains fewer than 30." *Huh?? New York* magazine may indeed have changed in a way that suits Frum's theory that a new wave of Puritanism is sweeping America. But how about everything else on the newsstand? *Maxim* and *Men's Health* for the gents, *Cosmo* and *Glamour* for the ladies; three issues out of four, their covers trumpet the secrets of better orgasms. Or:

"The sudden and total disappearance of the ideal of bridal virginity has to be reckoned one of the more astonishing psychological developments in recent American history." Total? An "ideal" suggests something aspired to in theory but not necessarily achieved in reality, and the briefest look at world literature suggests that, in most cultures, bridal virginity has long played precisely this role. But try the proposition that the ideal has "totally" disappeared on, say, the bride's father at a Cuban-American or Greek-American wedding. Or:

Frum presents as self-evidently ridiculous Jimmy Carter's statement, from a Cinco de Mayo speech in 1979, that he believed in "making sure that all people within our borders, no matter how they may have gotten here, are treated with dignity and justice. I am committed to protecting the basic human rights of every person in this country, whatever their legal status." I share Frum's belief that the term "undocumented worker" is a preposterous euphemism for "illegal immigrant." But what, exactly, is wrong with Carter's comment—apart from the fact that Carter, not Jeane Kirkpatrick, said it? Should these people lose their "basic human rights" and get indignity and injustice?

As these quotes suggest, there is a polemical tone to the book—and, oddly, one that undercuts its stated main point. The book is distinguished from other neoconservative tracts in concentrating on the 1970s rather than the 1960s, but in fact most of the "1970s" trends Frum discusses are spillovers from the preceding, oft-debated decade. In the concluding chapter, which in context is a startling reminder of how good and subtle a writer Frum can be, he says that there have been two warring myths about recent history: a "parents' myth," in which the Eisenhower era was an idyllic reward for a country that survived the Depression and beat the Nazis; and a "children's myth," in which the 1950s were a dead, stultifying era from which America was released by the glories of the 1960s. "The parents' myth is much more appealing than the other," Frum says. "But a better myth is a myth all the same." He goes on to describe how abnormal the 1950s were in the long view of American history, since the vividly-recalled, immediately-recent collective efforts of the New Deal and war had made people both far more collectively-minded and more trusting of government than they had been historically. This aberrational moment of trust in government was then overturned, Frum says, by three great convulsions of the "seventies": Vietnam, desegregation, and inflation. All three, obviously, were linear extensions of what happened in the 1960s—as Frum would admit in a moment if the high concept that this was not a standard anti-Sixties book didn't require him to pretend otherwise.

The last chapter would have been a first-rate article on its own, freed of the make-weight necessary to bulk it out as a book. People wouldn't have just been debating its point. They would been saying said, "You've got to read Frum's new piece." ●

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Small Things Make A Big Difference

An unintended primer for political activists

By Timothy Noah

IN 1966, ROBERT KENNEDY GAVE THE SPEECH in South Africa that included his now-famous statement about the improbably large changes for the good brought about through individual bravery and idealism. "Each time a man stands up for an ideal," Kennedy said, "or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest wall of oppression and resistance." Not only can, but in the case of South Africa, did, just one generation later.

THE TIPPING POINT: How Little Things Can Make A Big Difference
By Malcolm Gladwell
Little, Brown, $24.95

But how? How were Nelson Mandela, Oliver Tambo, and others able to defeat apartheid? Why have their counterparts in China and North Korea failed to defeat communism? And why have *their* counterparts in Russia and Eastern Europe been successful in defeating communism? Malcolm Gladwell, the author of this gem of a book, would say that events in South Africa, Russia, and Eastern Europe reached a "tipping point," while events in China and North Korea did not.

Gladwell, a talented staff writer for *The New Yorker* who began his career writing for conservative publications like *The American Spectator*, is not the sort of person who's burning to change the world. There is, in fact, nothing in Gladwell's book about turning the tides of history or throwing off the shackles of oppression, and quite a lot about how to devise a successful children's television show or sell a new brand of sneaker. Even when Gladwell writes about emotional issues like teenage suicide, he does so with a detachment that can seem other-worldly. Nonetheless, *The Tipping Point* could well prove to be an influential text for political activists.

TIMOTHY NOAH, *a contributing editor of* The Washington Monthly, *writes* Slate's *"Chatterbox" column.*

Gladwell's book is built around the theory that ideas, trends, habits, and other kinds of social behavior spread much the same way that infectious diseases do. This idea is not a new one. Richard Dawkins, in his 1976 book, *The Selfish Gene*, coined the term "meme" (from the Greek "mimesis," which means "to imitate") to describe the non-biological mechanism by which certain behavioral patterns spread through the human race. What genes do through reproduction, memes do through imitation. Aaron Lynch, in his 1996 book, *Thought Contagion: How Belief Spreads Through Society*, elaborated on Dawkins' idea and demonstrated the ways that memes for such various things as parenting strategies, religious convictions, sexual habits, and political beliefs replicate themselves. In Lynch's view, people don't acquire ideas so much as "ideas acquire people."

One particularly compelling example Lynch cites is the seemingly irrational taboo regarding teenage masturbation. As Charles Peters recently observed in these pages, it's one of the most efficient ways for young people to prevent unwanted pregnancies. Yet when promoted, especially within the political realm, it draws snickers at best and strong moral disapproval at worst. Why? According to Lynch, the taboo is self-perpetuating: People who have no other outlet for their sexual urges will likely marry young, have many children, and then teach these children that masturbation is wrong. People who masturbate, however, will likely stay single longer and do other "immoral" things like have premarital sex using birth control. The downside to separating the pleasures of sex from the necessities of procreation, in other words, is that you end up spreading your memes to fewer offspring.

Where Dawkins and Lynch described, on a fairly abstract level, the march of memes from one generation to the next, Gladwell describes, much more concretely, how particular behavior patterns spread

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within a few months or years. According to Gladwell, behavioral patterns (he doesn't actually call them "memes") don't change gradually; they change quite suddenly when a small but critical number of strategically-placed converts reaches a tipping point.

The "tipping point" term was first used by social scientists to describe the number of black families moving into a predominantly white neighborhood that it takes to trigger "white flight"—i.e., a mass exodus of white families that effectively resegregates the neighborhood, this time as predominantly black. But it can also be used to describe more favorable trends—for example, the point at which a few, seemingly symbolic policing policies in New York City (such as a crackdown on subway farebeaters) triggered a massive decline in murders and other violent crimes. And it can also be used to describe trends that are neither particularly good nor particularly bad, like the revival of Hush Puppies as a popular shoe brand in the early 1990s.

In Gladwell's scheme, behavior patterns are transmitted by "mavens" (experts), "salesmen" (people who go to unusual lengths to persuade others to do a certain thing) and "connectors" (people who have an unusually large number of social contacts with whom they swap information). Gladwell's example of a classic "connector" is a woman named Lois Weisberg who is Chicago's commissioner of cultural affairs. By Gladwell's count, Weisberg is connected to eight disparate subcultures: the worlds of actors, writers, doctors, lawyers, park-loving conservationists, politicians, railroad buffs, and flea market aficionados. This places her at the axis of an amazing number of people. An example of her extraordinary reach is that even though I live in Washington, not Chicago, and am not especially sociable, I myself know at least half-a-dozen people who know her. (Her son Jacob is a friend and *Slate* colleague.)

To demonstrate the historical impact connectors can have, Gladwell cites Paul Revere. It's well known that Revere's midnight ride in 1775 alerted the people of Boston and its environs to the imminent British attack, and helped the colonial militia defeat the British at Concord. Less well known is that a tanner named William Dawes simultaneously tried to spread the word through an alternate route, but that the towns he rode through failed to rally in any significant numbers against the British. The reason, Gladwell theorizes, is that Dawes didn't know the right people to contact—that is to say, he didn't know the key people who would activate participation the next day by lots of other people. Dawes, according to Gladwell, was just an ordinary guy, whereas Revere, an intensely social person, was "the Lois Weisberg of his day." (As this example shows, Gladwell has a gift for making his points with great economy and humor.)

Simply communicating information, however, doesn't necessarily create an epidemic. Another crucially important factor, according to Gladwell, is "stickiness." By this Gladwell means that the information has to be compelling. Inherent worth helps, of course; in the example of Revere's ride, there was obviously great interest in the impending invasion. But gimmicks can work too. Gladwell tells the story of a hugely "sticky" direct marketing campaign launched in the 1970s for the Columbia Record Club by a man named Lester Wunderman. Wunderman took out TV ads in the wee hours of the morning directing viewers to look up print ads for the club in certain publications. If a viewer found a little gold box on the coupon in the ad, he got a free record. Even though the TV ads reached a small audience, and even though the gold box gambit was, as Gladwell puts it, "a really cheesy idea," and even though (as Gladwell is too polite to point out) the Columbia Record Club is probably a pain in the ass to belong to, the campaign got lots of people to examine print ads for the club, which in turn got huge numbers of people to sign up. It was, in a word, "sticky."

The final component of Gladwell's scheme is context. One of Gladwell's more intriguing examples of context is the story of Kitty Genovese, a young woman in Queens who was stabbed to death in 1964. The story is a famous example of urban horror because it later came out that 38 neighbors watched the stabbing from their windows, but none called the police. As articulated at the time by Abe Rosenthal (then the *Times* city editor) and others, the presumed lesson was that big-city life makes people monstrously insensitive. But Gladwell cites a study by two New York City psychologists to argue that, in fact, the problem was that the eyewitnesses were *too acutely sensitive* to what was going on. Each eyewitness was aware not only that Genovese was being stabbed, but that many others were watching the horrific scene; each assumed one of the other eyewitnesses would alert the authorities. "The lesson is not that no one called despite the fact that 38 heard her scream," Gladwell sums up pithily. "It's that no one called *because* 38 people heard her scream. Ironically, had she been attacked on a lonely street with just one witness, she might have lived."

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Gladwell writes early on that the big change-the-world question his eclectic research raises is: "What can we do to deliberately start and control positive epidemics of our own?" This question is what makes Gladwell's book of great interest to political activists. Of course, trying to figure out the dynamics of an epidemic after the fact, though far from easy, is a lot easier than figuring them out before the epidemic occurs. (Baby boom readers will recall the public health scare in 1976 surrounding an anticipated "swine flu epidemic" that proved a dud.)

Gladwell's one feint in the direction of do-good-erism is a chapter where he recommends that the government stop funding anti-smoking ads aimed at keeping teens away from cigarettes, and instead focus on developing and distributing cigarettes with lower levels of nicotine and drugs like Zyban that could help addicts kick the nicotine habit. (Another interesting idea along these lines that Gladwell doesn't mention is forwarded by John Slade of the University of Medicine and Dentistry of New Jersey. Slade says: Take out the tar, the stuff that makes cigarettes deadly in the first place. Then who cares how addictive they are?) Gladwell is a little too dismissive of the idea that public-service announcements can work: They were sufficiently effective in the late '60s that cigarette companies voluntarily pulled their own TV ads just to make the public service spots go away. Remember the coughing cowboy ad—where a Marlboro Man knock-off strode into a saloon, six-shooters at the ready, and dissolved into a seizure of hacking? Gladwell may well be right that his tactics would be more effective, but one senses in this part of the book something largely absent from the rest—an ideological distaste for certain categories of behavior-changing efforts (in this instance, one that smacks too much of ambitious government regulation).

Overall, though, and in spite of the fact that Gladwell's no liberal, *The Tipping Point* delivers a message that could help revitalize liberalism. The feeling is widespread that government action aimed at solving big problems is futile. But the thrust of Gladwell's book is that seemingly small gestures can have fantastically large and rapid outcomes. Mightn't government programs—strategically conceived and executed—constitute the sort of leverage he's talking about? Even though Gladwell doesn't have much to say about that in his important and compelling book, many others who are inspired by Robert Kennedy's famous words likely will. ●

Trade-Offs in a Political Career

The costs and compromises of public life

By Phil Keisling

By most accounts, Senator Joe Lieberman (D-Conn.) is a decent, devout, likable, and occasionally courageous politician. He's bucked his own party leaders on issues like the Persian Gulf War and cutting capital gains taxes. He's publicly upbraided Hollywood for its excessive taste for sex and violence; his pointed (and timely) September 1998 speech excoriating President Clinton for his "disgraceful and immoral" conduct in the Lewinsky matter also received widespread kudos.*

IN PRAISE OF PUBLIC LIFE
By Joseph Lieberman with Michael D'Orso
Simon & Schuster, $21.00

In short, Joe Lieberman seems exactly the kind of person one wants in American politics. So he's to be commended for wanting to write a book that he hopes will inspire more citizens—especially younger Americans—to vote, get involved, even consider going into politics themselves. His intent, as he puts it, is to provide a credible answer to the question he's so often asked: "Why in the world would anyone in his or her right mind choose such a life?"

So why is it unlikely we'll see well-thumbed, heav-

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**A personal disclosure here: In 1974, as a Yale undergraduate, I spent a Saturday morning distributing his campaign leaflets in New Haven. —PK*

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ily underlined copies of Lieberman's book showing up in the hip pockets of once-jaded, now eager young volunteers ready to enter the political fray?

It's not for lack of trying. There's no doubting Lieberman's sincerity, idealism, and native optimism. He really does seem to love government service. The problem is that when Lieberman finally gets around to discussing what his life as a U.S. senator is really like—in the book's second, less interesting half—the picture is resoundingly ambivalent.

Yes, he's helped pass some worthy legislation, and he derives genuine satisfaction from some of his case work. But then there's having to deal with special interest groups, excessive partisanship, raising campaign cash, the long hours, commuting back and forth between Connecticut and Washington, and the struggles of juggling family, religious, and community obligations.

And then there's the book's first half where Lieberman describes what it took to get to the U.S. Senate. Tellingly, it's more vivid, more interesting, and more revealing (in some inadvertent ways). But here too, the picture is ambivalent, though in a different way.

Lieberman describes the unpleasant realities which pervade modern politics, including the inexorable imperatives of campaign fundraising; the inordinate role played by small ideas, negative tactics, and well-paid political consultants; and the personal toll many politicians pay on the family front. But it's also here that Lieberman reveals—without intending to, I'm sure—just why these realities are so ingrained, even a bit seductive. Much as he bemoans these realities, he also clearly takes pride in how he's mastered them. The game is unpleasant, even dangerous at times. But after many trials Lieberman has learned how to be a "pro" at it.

The fact that "Lieberman as campaigner" seems a more interesting figure than "Lieberman the office holder" also reflects a deeper change that's occurred in American politics over his lifetime.

Thirty years ago, many of the great dramas of American politics were played out in the streets, or in generation-defining votes such as the gallery-packed showdown in the U.S. Congress that led to passage of the 1964 Civil Rights Act, or the many efforts to stop the Vietnam War. These were the stories that mattered; they not only changed laws, but also attitudes and hearts.

For many contemporary politicians, their most dramatic narratives—stories rich with elements like quest, loss, dilemmas, despair, lessons learned, redemption—increasingly don't take place in legislative chambers. They occur during political campaigns, while a candidate is seeking public office. The "prize" in these circumstances lies in winning an election and, unfortunately, what it increasingly takes to win elections also diminishes one's very ability to actually make a difference, and govern effectively. More than anything else, it's this disjunction—illustrated well in Lieberman's book—that has led so many bright, idealistic young people to shun politics, concluding that what little difference they might be able to make, simply isn't worth paying the likely, even necessary, price.

Raise lots of money, attack, and kick back hard. These are hardly inspiring lessons.

Marathon Man

In 1970, as a 28-year-old attorney, Lieberman decides to run for the Connecticut State Senate. He's idealistic, young, and able to recruit a legion of eager neophytes to campaign for him.

But this is no pure "David vs. Goliath" battle. Lieberman decides to challenge an incumbent legislator: a maverick, independent-minded fellow Democrat, Ed Marcus, who's fallen out of favor with the state's Democratic machine. There doesn't seem to be any transcendent, burning issue in the race. "I wanted to get my political career moving and so I decided to run," Lieberman says. His law-school classmates find themselves working right alongside the state's most powerful political bosses.

Lieberman has long criticized the huge role that money plays in American politics. Several times in this book he laments how he's "always had difficulty asking people for money." Nonetheless, his reticence doesn't seem to affect his prowess.

In 1970, during his inaugural race, Lieberman raises over $30,000 in contributions for a primary race where 7,000 votes are eventually cast. At about $4.50 a vote, and considering the effects of inflation, that far exceeds the record-breaking, 1998 Charles Schumer-Al D'Amato U.S. Senate contest in New York, where each candidate spent about $20 million, or about $4 per candidate per vote cast.

Lieberman's easy re-election in 1974 and 1978 is followed by his first major miscalculation: a run for Congress in the Democratic Waterloo year of 1980.

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Again, Lieberman's distaste for fundraising doesn't affect his ability to raise $300,000—a healthy war chest for the era. But Lieberman watches in slow-motion horror as his 19-point lead evaporates in the final three weeks.

The major reason? Lieberman's opponent has carefully gone through thousands of votes Lieberman cast as a Connecticut state legislator, zeroing in on a handful that give apparent credence to the "tax and spend liberal" label. Lieberman's consultants urge him to "stay positive," and ignore the attacks. Lieberman takes their advice and narrowly loses. In retrospect, he now believes he should have "acted on [his] own instincts" and counter-punched.

But Lieberman soon bounces back from this defeat, and from an "unraveled" marriage, perhaps the best way he knows how: another political campaign. He's elected Connecticut attorney general in 1982, after "raising $200,000 more than had ever been raised in a Connecticut campaign for state office other than Governor." He also remarries—though he notes that his first date with his second wife wouldn't have materialized had it not been Easter Sunday when there was "nothing on the political schedule."

After his 1986 re-election, Lieberman challenges then-Connecticut Senator Lowell Weicker, a maverick, independent Republican best known for his work as a Nixon antagonist on the Senate Watergate Committee. As in 1970, Lieberman pulls together a coalition of idealistic supporters and Establishment figures—in this instance, business leaders and Republicans who are disgruntled with Weicker's "go-it-alone" tendencies. Lieberman's consultants now comb through Weicker's thousands of Senate votes, finding examples that will reinforce a poll-tested message that Weicker is "soft on crime" and "anti-consumer."

Lieberman and his second wife are also expecting a baby amidst the 1988 campaign and Lieberman relates how gleeful his consultants are for a well-timed illustration that will reinforce the "family values" theme. As for money, Lieberman, a devout Jew, seems genuinely surprised that "largely Jewish pro-Israel PACs... had a hard and fast rule of not giving any support to challengers facing incumbents who have a pro-Israel voting record, no matter who the challenger was or what his stance on Israel. Weicker had a pro-Israel record, so I was shut out."

Undaunted, he embarks on an exhausting marathon series of cross-country trips, going to major city after major city, "like Willy Loman," soliciting campaign cash from wealthy individuals with a history of supporting Democratic Senate candidates. It's hard, relentless — and necessary—work. "It was like a marathon," Lieberman writes. "I came to understand how important stamina—sheer physical and intellectual stamina—is to a political candidate. It's important to be informed, personable, creative, well advised, and well supported — but none of those things is going to get you where you want to go if you haven't got the stamina."

Lieberman eventually raises "a very impressive total of $2.6 million," which is enough to run a credible television campaign. But this is definitely not a campaign of big ideas or creative solutions to government problems. Beginning in the spring of 1988, Lieberman "punches away," using various votes to tag Weicker as "no longer representing the interests of the people of Connecticut so much as he was representing himself and his own interests."

In short, Lieberman does what his Republican opponent did in 1980—and Weicker takes Lieberman's previous role, largely ignoring the attacks. But Lieberman is dismayed, nonetheless: "It seemed like we were doing everything right"—but Weicker still has a 16-point lead. But in October, the campaign launches a "brilliant" satirical commercial that literally portrays Weicker as a cartoon figure of a sleeping bear, ignoring the concerns of Connecticut voters.

The campaign pulls dead even. The sleeping bear now awakens, lashing out at Lieberman, using some of the same "tax and spend" votes from the 1970s that sank the 1980 campaign. ("One of those ads was technically accurate but didn't mention that the tax votes cited were cast 18 years earlier," Lieberman retorts, lamenting how even his own son was swayed by the Weicker attack.) But for Weicker, it's too little, too late. Prepared this time—even to the point of taking out a bank loan against his house, Lieberman finances a media blitz, and ekes out a one percent victory.

Uncertain Lessons

The key lessons of all this? Distasteful though it may be, raise lots of money. Don't be afraid to attack when you're behind—and kick back hard and fast when you're attacked. Hire good consultants, be clever with TV advertising. Make sure your spouse loves this as much as you do. Do what you've gotta do to win. Go raise some more money. These are hardly inspiring lessons for tomorrow's would-be senators, governors, and state legislators.

Lieberman writes: "The problem in America today is that campaigns never end. Legislating becomes campaigning by another name. Candidates are constantly worrying about the ramifications of virtually every vote

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they cast, for fear that a single vote may come back to haunt them on television in the next election. At a time when we need more courage and independence among our elected leaders, this last point is critical, because of the timidity it creates."

Is this what successful candidates have to look forward to? It's a rather bleak conclusion. Indeed, Lieberman's pessimism is vividly reflected on one page, where he states flatly, "Today, however, a single vote can kill you, because it can become the subject of an attack commercial at the end of your next campaign."

Yet on the very next page, he brightens: "The fear that a lot of elected officials have today that one attack television advertisement about one vote will bring them down in the next election is generally unwarranted. The voters are usually fair. They will judge you on your entire record and your sincerity."

Lieberman's career actually contains evidence for both propositions—but that really isn't the point. The key is the cognitive dissonance; the fact that Lieberman himself isn't so sure.

Lieberman's book also revealingly fails to even acknowledge the (at times) jarring contrasts between stated ideals and actual behavior. He extols the virtues of "independent-minded" politicians, for example, but overlooks the irony of his own ascent hinging on the defeat of two such politicians. Lieberman also doesn't talk about how his own 1988 campaign helped write the book on using a handful of legislative votes to paint a negative picture to wear down and beat popular incumbents.

If Lieberman harbors any misgivings about past conduct, or learned any unpleasant truths about his own character, he doesn't talk about them here. What hasn't defeated him has made him stronger.

Parallels and Empathy

That said, I still ended up liking Lieberman after this book—and having no small amount of empathy for him.

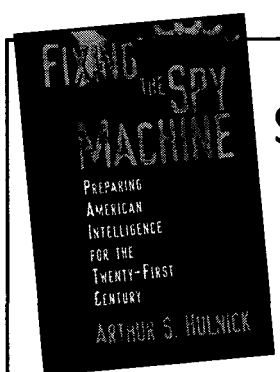
I've spent 11 years myself in elected politics in Oregon. While I started 18 years later than Lieberman, some of the career parallels are a bit eerie. (I, too, raised $30,000 for my first legislative primary race in which 7,000 votes were cast, and set a new record for fundraising in a non-gubernatorial race.)

I can also relate to Lieberman's ambivalence. You hate the rules about raising money—but you also enjoy proving you can do it with the best (and worst) of them. If you're a big advocate of campaign finance reform—Lieberman and I share this as well—you may also tell yourself your past success gives you more credibility, much the way a reformed alcoholic carries weight at the an A.A. meeting.

You may even commend yourself for raising so much money the "right way" (or at least a "better" way). For example, Lieberman argues the $2.6 million he raised against Weicker was a bit less "tainted" because it mainly came from individuals, not PACs, each with broader sets of interests. I've found myself publicly defending my own campaign fundraising by stressing how more than 2,000 individuals gave me an average of $125.

For those who've decided from the outset that politics is worthwhile, it's only natural to adjust to the rules the best you can, trying to accommodate a guilty conscience and idealism to realities not of your making. But for those outside looking in, it's still a pretty discouraging picture.

So while Lieberman's book may fail on its stated terms, it succeeds on another. It underscores, yet again, the need for comprehensive campaign finance reform. That means not only real limits on contributions, but a system of public financing that gives credible candidates the option of focusing exclusively on ideas—especially brave and important ones—and not on cross-country fund-raising jaunts and multi-million dollar media buys that resort to empty rhetoric, distortions of opponents' records, and funny cartoon characters. ●



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Foreword by Richard R. Valcourt

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Tidbits & Outrages

Layover?

Amsterdam's Schiphol Airport in the Netherlands, where prostitution is legal, plans to open a brothel in the airport's departure area.

But they loved the thighmasters.

A poll recently revealed that this year's top unwanted Christmas gifts in Britain were home-knitted pullovers, talcum powder, sandwich toasters, and Elvis Presley clocks.

She looked good enough to eat...

REUTER'S HEADLINE: "CHEF GETS LIFE FOR COOKING WIFE."

Why? Because, because, because!

Brian Brille, a Wall Street investment banker, dressed as Glinda the Good Witch from The Wizard of Oz and hired three dwarfs, dressed as munchkins, to follow him around a recent Halloween party.

Guiliani's already ordered one

A new computer used by the Providence Police told them to arrest innocent people. They finally fixed it after eight people were wrongly arrested.

It was under the uzi.

In search of evidence, D.C. police impounded the taxi belonging to a stabbing victim. They searched for fingerprint evidence but failed to find the blood-stained knife in the back seat.

Self-esteem

Every year for the last 14, Wally Morris has published an award-winning financial report for the city of Milwaukee. This year was no exception. The award was signed by the president of the awards committee: Wally Morris.

A fire-eater has been named chief of police

Mayor Jerry Brown has appointed a tattoo artist to the Oakland Arts Council.

THE IMPORTANT THINGS IN LIFE

After divorcing last year, Frances and Harold Mountain couldn't agree on how to split their Beanie Baby collection. A family court judge solved the issue by ordering the couple to divide them one by one while he watched.

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Political Booknotes

Fraud.com

By Paul Taylor

ANYONE WHO HAS EVER GOTTEN a piece of direct mail from a politician or issue group is familiar with the writing style. Enemies are ominous! Ruination is imminent! Sentences are punchy! It's a rhetorical never-never land where the exclamation point is king and nuance an outcast.

VOTE.COM
By Dick Morris
Renaissance Books, $22.95

As I labored through Dick Morris' strange and fraudulent book, I kept thinking about that mode of discourse, for the political future he conjures up in cyberspace feels like a corner of hell where all the direct mail keeps being recirculated.

In Morris' overheated imaginings, candidates will soon be communicating to voters one-at-a-time in a stream of targeted emails and videos that trip through cyberspace cost-free. If it sounds like a killer app for personalized political pander, that's probably why the author—who's spent his career helping politicians perfect the art form—finds it appealing. But to anyone who thinks that campaigns ought to play out in the biggest public square, precisely so they can invite citizens to weigh self-interest against common purpose, it's a scary prospect.

It's by no means the scariest thing Morris sees in his crystal ball, however. That would be his vision of a politics in which citizens use cyberspace to talk back to their elected leaders in a daily stream of referendums. So today we'll all be voting on taxes, tomorrow on abortion, Thursday on war in the Balkans, and Friday (because democracy shouldn't always be such a bore!) on whether Bill and Hillary should split up.

Mind you, these plebiscites won't be government-run. They'll be sponsored by advertiser-supported commercial Websites like—you've probably guessed the punch line—*Vote.com.* That's not just the name of Morris' new book; it's also the name of his new Website. And, so Morris would have us believe, these plebiscites are the tool that will convert our representative system of government into a direct democracy.

"We are about to reclaim the power Jefferson would have given us," the author proclaims, revving up his faux populism at full throttle. "We'll still choose our president and Congress by the old election system, but the influence the public can bring to bear will make it far less important whom we elect." It will be government by applause meter.

This is a very old and very bad idea. Twenty-five hundred years ago, Plato observed the first stirrings of democracy in Athens and worried that leaders who rely too much on the approval of the masses would "never tell an unpleasant truth." Since then, history has confirmed time and again that majorities need protection from demagogues, and minorities need protection from majorities.

Happily, by the time our founders reinvented democracy, they were wise enough to construct a republic based not only on Jefferson's passion for individual liberty, but on Madison's understanding of the need for constitutional space between leaders and followers.

Morris is no Jeffersonian. He just plays one on his book jacket, the better to hustle his Website. If you stay with the book all the way to page 168 (and I don't recommend it), you discover he, too, has a dim view of direct democracy.

"Fifteen years from now," he writes, "as the evidences mounts that people have made the wrong choices and voted their fears and hates more than their hopes and dreams, we will collectively come to realize the need to curb ourselves and bring back the system of checks and balances so basic to our Constitution.... Like the French Revolutionaries seizing power in 1789, [the people] will take their revenge on those who have listened to them so little in the past before they relinquish, on sober second thought, the power the Internet will give them."

So let's get this straight. First the people storm the ramparts and seize power. Then they do a bunch of stupid things. Then they mysteriously smarten up. Then they give power back. And the trigger for this wild 15-year cycle is not war or famine or fundamentalism or tyranny or depression. It's the Internet. And Morris owns the Website where the revolution's gonna happen, baby. And ad space is still available!

Too bad the book turns out to be such shallow hucksterism, because Morris is on to one of the more intriguing questions of our era: Can the Internet rescue politics?

By cutting the cost of political communication to virtually zero, can it slay the dragon of big money? By providing a cornucopia of information at the click of a mouse, can it topple the 30-second ad? By offering the ease of online voting, can it bring citizens back to politics? By enabling two-way communication between citizen and elected officials, can it reshape the architecture of democracy?

Unlike Morris, I have no crystal ball. I do have a few tentative observations.

If politics can't win the competition for eyeballs in the real world, it's hard to see how it does better in cyberspace. Sure it's easier than ever to get political information online. It's also easier to shop, follow your stocks, do business, play games, and look at dirty pictures. Trying to get political information from the Internet is a little bit like trying to get a drink from a fire hose. Great for junkies; too much for most folks.

Voting keeps getting easier, but voter turnout keeps going down. That's been the history of the past 40 years. The problem isn't mechanics; it's motivation and it's not clear how

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the Internet solves that problem.

The age of two-way communication between voter and leader won't dawn on the Internet because it dawned decades ago—with scientific polling. Elected leaders already know what everyone thinks, all the time. Whatever this will do to our politics has already been done.

Finally, there's so much venture capital floating around that some of it will fund hare-brained schemes that try to make a fast buck on democracy, like Vote.com. But we'll survive. Is America a great country, or what?

PAUL TAYLOR, *a former* Washington Post *political reporter, is founder and executive director of the Alliance for Better Campaigns.*

The Frog Factor

By Bill McKibben

THIS IS A REVEALING AND important book, and you should begin by ignoring the subtitle. Something tells me it wasn't the author's choice: In fact, he's done a remarkably sober and meticulous job of following a story that's been misreported in almost every newspaper and on every TV station in the country. By book's end, it remains largely unclear what causes frog deformities and exactly how worried we should be about them—but we've instead been treated to a remarkable inside look at science trying to grapple with horribly complicated real-world problems.

In the summer of 1995, eight junior high school students on a field trip discovered a small pond on a Minnesota farm where a great many leopard frogs were missing their hind legs. They called the state government, stories began to appear in the newspapers, and soon Minnesota's environmental agency had a map showing similar reports from almost every county in the state. Other such sites began to show up across the Great Lakes region; a Canadian researcher announced that the same trend was evident in Quebec. What did it all mean? No one knew for sure, because no one knew if deformed frogs were rare, or what might cause the deformities, or if that unknown agent might harm humans as well. It was a scientific puzzle, and a particularly difficult one. A pond is filled with water; it's hard to break down that water into its thousands of different compounds and figure out if one of them is, in fact, a poison.

And it's here that William Souder, a freelance journalist living in the region where the first frogs were found, really rolls up his sleeves and goes to work. Instead of "covering" the story with a few calls to bureaucrats, he digs in for the long haul, traveling to a long series of small scientific meetings, talking almost daily with the principal investigators, and watching as the science develops.

Though the book is not judgmental, it's abundantly clear whom he respects and whom he doesn't. The state bureaucracy clearly manages to mishandle the case at almost every turn; one lesson this book teaches is that, at least in what amounts to an epidemiological investigation, you can have too much decentralization. You really want people for whom such an outbreak is not a once-in-a-lifetime event. The EPA comes off a little better, though its penchant for chasing trendy topics is clear. And unknown federal agencies like the National Institute of Environmental Health Science come off better yet.

A PLAGUE OF FROGS: The Horrifying True Story
by William Souder
Hyperion, $23.95

The star players, though, are individual scientists, and the real drama comes as they face off against each other with their competing theories. From the start, Souder writes, there are two broad schools: those who think some chemical, most likely from a pesticide, lies at the root of the deformities; and those who think it's a parasite that has entered the frogs and caused their limbs to malform. The two theories represent two different worldviews: in the first, people are carelessly damaging all that lies around them; in the second, nature is a robust place where stuff simply happens all the time.

The researchers come together for scientific meetings that clarify the battlelines—and Souder makes it clear that at least some of the divisions come down to personalities. The chief advocate of the parasite position, Stanley Sessions, seems as arrogant and unpleasant a person as you would care to meet. And yet, as the story drags on, his case seems more persuasive. In fact, most Americans who were following the story probably thought it came to an end last spring when Sessions and a Stanford student published papers in *Science* demonstrating a strong parasite connection.

But as Souder convincingly demonstrates, that didn't really end the debate. There's plenty of evidence that doesn't fit the parasite theory, especially a huge set of Canadian data set showing deformed frogs in agricultural areas and healthy ones elsewhere. Apparently ultraviolet light plays a role in damaging at least some species; hence the erosion of the ozone layer might be a villain. The truth is, we don't know yet what is deforming frogs, and we don't know yet why amphibians in general are in decline, and we don't know when we will know. The science is still developing, and as Souder points out, "science as it is actually practiced in the everyday world is... like a collection of medieval fiefdoms. Agencies and independent academics live and work in walled enclaves, among which communication and cooperation is possible, but often strained... Scientists, it turns out, suffer the same human foibles as everyone else. They're driven by ambition, by money, by ego, and by the perverse impulse to succeed amid the wreckage of someone else's failure."

One conclusion you could draw from that description is that scientists never really figure out anything. But that would be wrong—with enough work, they usually do, even when the problems are horrendously complicated. The best example is global warming, which in 1990 was at the same battling-theories stage that frog research currently finds itself in. But climatologists, well-funded and pushed by national governments around the globe, figured out a way to organize their efforts and, by 1995,

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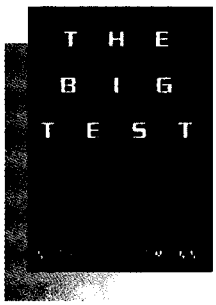

The Big Test: The Secret History of America's Meritocracy.
By Nicholas Lemann, Farrar, Straus & Giroux.

~1999 Runners Up~

Luxury Fever: Why Money Fails to Satisfy In an Era of Excess.
By Robert Frank, Free Press.

The Stakeholder Society.
By Bruce Ackerman and Anne Alstott, Yale University Press.

Venona: Decoding Soviet Espionage in America.
By John Earl Haynes and Harvey Klehr, Yale University Press.

generate a consensus. (And in fact the one conclusive part of the frog story is that certain species of high-elevation toads have been killed off by global warming, which has transformed the Central American cloud forests where they lived.) The public, and certainly Congress, may still be confused by global warming, but scientists speak with confidence about it—their warnings of immediate peril are clear and unmistakable.

Other controversies remain unresolved. The frog case is one part of the growing global concern over endocrine disruptors, chemicals that mimic hormones and may disrupt reproductive systems, a concern that will eventually be better understood by science. Similar research battles are now erupting over the safety of genetically modified foods. "Eventually," of course, may come too late, and it almost certainly would make sense to take precautions now on the chance that such chemicals or techniques might be harmful. But at the very least, one hopes there are other clear-eyed journalists working as hard as Souder. For these are the most important kind of investigations going on in our world, endlessly more important than the investigations that transfix Washington so regularly. That almost no one bothers to do the work of really covering them is a kind of journalistic crime.

BILL MCKIBBEN *is the author of a number of books, most recently,* Hope, Human and Wild: True Stories of Living Lightly on the Earth.

Elite Retreat

By Todd Gitlin

As JOHN B. JUDIS TELLS THE story, six months before his assassination, President John F. Kennedy told a conference of businessmen at the Brookings Institution that "most of the problems... that we now face are technical problems, are administrative problems."

"Most of us," Kennedy acknowledged, "are conditioned... to have a political viewpoint," but in the reform spirit that has animated Progressives all century long, Kennedy went on to reckon that this regrettable truth about fallen politics would soon be overcome. Selfish group interests would surely be dissolved in a warm bath of reason and good will, where the tub was in the protective hands of a far-sighted establishment—or rather, Establishment. In the tradition of Herbert Croly, Woodrow Wilson, the New Dealers, the Council on Foreign Relations, and the Brookings Institution itself, organized and honorable gentlemen armed with disinterested knowledge would overcome narrow self-interest as a matter of course.

A world where a president of the United States could proclaim such an expectation with a straight face seems to belong to a bygone era, when the term "public servants" did not occasion smirks and Walter Lippmann rather than Maureen Dowd set the breakfast table agenda.

In that vanished world, the Progressive faith in disinterested knowledge on behalf of overarching ends was tended not only by a right-minded public and constructive groups of laborers and consumers, but also, crucially, by elites who were capable of rising above narrow self-interest. In that world, giants strode the Earth: the likes of Dean Acheson, John J. McCloy, and C. Douglas Dillon, organizations like the Committee on Economic Development, and the Twentieth Century Fund. In particular, there were business people (business men, actually) who thought their way beyond their company's—even their industry's, and *mirabile dictu*, even their country club's—well-being.

"I think there was a period when there were businessmen outside the government who had some authority and who were respected, and who had a genuine national patriotic concern with the problems of the country," said the late Republican economic adviser Herbert Stein to Judis. "I can't think of a single name now of such a person."

It will not come as a revelation to readers of this journal that questions of public policy on consequential issues like health care, taxes, trade, and telecommunications are not settled peripatetically in shady glens where public servants and wise men stroll

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about in earnest debate over rival conceptions of the general good. They're settled in lobbies where access mixes with private interests.

Nor will it astound liberals who proudly display the scarlet L that the rich get richer while inequality becomes steadily more unequal. The question is: How does it happen that a public that still affirms many Progressive tenets—consumer and environmental reform, health care, managed trade—has largely been ruled, for a quarter century now, by forces committed to crippling those reforms? Judis offers a compelling, largely convincing account of how business has run off with so many political prizes. It is not a pretty picture, and there are plenty of villains, colluders, and bystanders to go around.

THE PARADOX OF AMERICAN DEMOCRACY:
Elites, Special Interests, and the Betrayal of Public Trust
by John B. Judis
Pantheon, $26.00

For many years, Judis has been waving the ragged liberal wing of *The New Republic*, where his crisp and properly indignant exposés of deal-making tend to slip from sight among the editors' more urgent preoccupations. His lucid, frequently impassioned book enfolds horror stories about K Street malfeasance and business power in an impressive larger structure. His argument, in brief, is that for democracy to accomplish the common good, three forces must line up at the same time in the right direction: the public as a whole, interest groups, and elites.

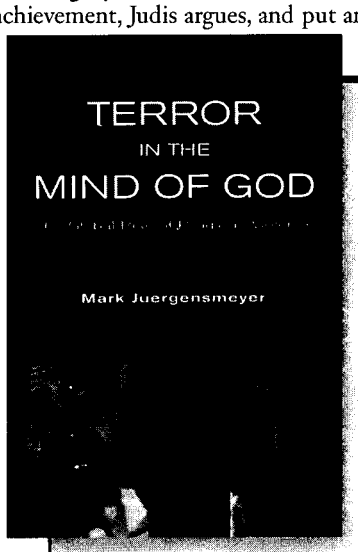
The public, yes: We all pay lip service to that vast faceless beast, whose pale visage is usually (if faintly) discerned in public opinion polls. Interest groups are no surprise on anyone's list; pluralist theory has enshrined them for decades. The tantalizing surprise in Judis' argument is his call to elites: Be worthy of your name, your status, and not least, your wealth.

Judis is properly appreciative of interest groups on the liberal side: unions, consumer groups, environmentalists, and others, all of them repositories, or residues, or sometimes tombs, of social movements. As for interest groups on the right, Judis is good on the rise of business lobbies, usefully supplementing William Greider's detailed account in *Who Will Tell the People?* But he is especially astute on the default of high-minded do-gooders, the twilight of serious think tanks and the rise of empty but expensive suits on the right. He is scathing on the business abandonment of the long view.

To understand what cracked the Progressive faith, Judis revisits the Sixties, which saw the emergence of groups that had been unrepresented in the Fifties—minorities, students, women, gays. The late New Left smashed up a promising reformist start, Judis argues, and the central and enduring figure of the late Sixties is neither Abbie Hoffman nor Huey Newton but Ralph Nader. Movements for the extension of rights, consumerism, and environmentalism are the upheaval's real legacy. What limited their achievement, Judis argues, and put an end to the world of Progressive reform, was not the Gomorrhic Sixties of Bork-Bennett-Gingrich-DeLay demonology; it was the counter-Sixties that was bankrolled handsomely by big business and shepherded into undeserved respectability by an alliance of paleo- and neo-conservatives in the 1970s.

Some of this is a many-times told tale—but Judis adds a good deal. In addition to a review of the organizing-publicist role of Irving Kristol, he is informative about Lewis Powell, the Virginia attorney who in August 1971, two months' short of his nomination to the Supreme Court, wrote a widely-circulated memo decrying Nader and the campus radicals, warning against antibusiness sentiments in the media and Congress, and calling for a political and propaganda counteroffensive from business. Business was especially receptive to ideological appeals, Judis argues, because of the economic downturn that began in the late Sixties and accelerated toward the breakpoint of 1973.

Judis is particularly damning in his analysis of the rightward drift (and



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—Michael Ignatieff, author of *The Warrior's Honour*

"This dark, enthralling book not only documents the global rise of religious terrorism but seeks to understand the 'odd attraction of religion and violence.' . . . Juergensmeyer is a powerful, skillful writer whose deeply empathetic interviewing techniques allow readers to enter the minds of some of the late 20th century's most feared religious terrorists."
—*Publishers Weekly*

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sometimes thrust) of the so-called liberal press—particularly *The Washington Post* and *The New York Times*. He tracks the decline of the civic guru, noting that the scholarly George F. Kennan gave way to the fawned-upon lobbyist and corporate hobnobber, Henry Kissinger. He crisply and clearly describes how corporate-bankrolled lobbyists stifled reform in the first Clinton administration while liberals spent their time beating up on the president for his timidity.

Under the apt heading, "The Apostasy of the Elites," Judis is also insightful on the once crucial role and subsequent default of the liberal foundations like Ford and Rockefeller. One need not oversell the glories of the high-minded gentlemen of yesteryear—arguably no one shares more responsibility for the horrors of the Vietnam War than Rockefeller Foundation President and former Secretary of State Dean Rusk—to be struck by the important contributions that these foundations made to public interest, consumer, and environmentalist law in the Sixties and Seventies. Then what happened? The rise of the right-wing foundations—Olin, Bradley, Scaife and others—in financing, circulating, hyping, and rewarding their own brand of politically correct thought is not a new story. Left of center, is a lesser-known story: retreat.

The philanthropic moderates and liberals who helped consolidate liberal victories in the Sixties pulled back, settling for easy causes. They were cowed by Republican threats to their tax-exempt status and offered little competition to Olin, Pew, Bradley, the Koch family, Richard Mellon Scaife, and other financers of right-wing lobbies, magazines, Websites, and lunch-clubs. Money is automatically tilted right—an obvious point that Judis might have given a bit more attention—but as the examples of Edward Filene and Robert Brookings make clear, a few philanthropic exceptions can go a long way. Even today, with whiffs of Progressive hopefulness in the air, the prospects for a revival of the elites are not bracing and the philosopher-investor George Soros is the thoughtful institution-building exception who proves the rule.

Hiding, unfortunately, behind a conventional political-sciency title, this is a vigorous and important book. TODD GITLIN *is professor of culture, journalism, and sociology at New York University and the author of several books including, most recently,* Sacrifice, *a novel.*

Bad Company

By Melvin Goodman

THERE USED TO BE AN EXPRESSION about the CIA: "Once in the company, always in the company." Arthur Hulnick, the author of Fixing the Spy Machine, spent 28 years in the CIA and his new book reads very much like he's still in it.

To Hulnick, "things are not as bad as they seem" and, with a "good tune-up," the agency will be well-prepared to handle threats to American national security in the next century. This is a bit odd. In view of the operational breakdowns that led to the bombing of the Chinese embassy in Belgrade and a pharmaceutical plant in Sudan, the intelligence-collection problems that led to the failure to anticipate Indian nuclear testing, the counter-intelligence errors that surrounded the Aldrich Ames scandal, and the intelligence-analysis failure that accompanied the collapse of the Soviet Union, it would appear that the CIA needs far more than a "good tune-up." But Hulnick is obviously more concerned with establishing a "new legitimacy" for the CIA than reforming an institution that is out of touch with the realities of the post-Cold War world.

FIXING THE SPY MACHINE
Preparing American Intelligence for the Twenty-First Century
by Arthur S. Hulnick and Richard R. Valcourt
Praeger, $19.95

Hulnick devotes very little attention in his book to "fixing the spy machine." Instead, the reader confronts a generally out-of-date review of the various functions of the CIA and the intelligence community in America. For example, the author describes a "merger" or "partnership" between the directorate of intelligence and the directorate of operations which no longer exists. The brainchild of former director James Woolsey, the merger did not solve the problem of intelligence analysis politically slanted to conform to the goals of CIA clandestine operations and covert actions. Woolsey's successor, John Deutch, ended the merger in 1995.

Hulnick clearly favors the clandestine collection efforts of the CIA over the technical collection of the National Security Agency and the National Reconnaissance Office. He praises the CIA's focus on "strategic issues" and criticizes the intelligence gathering of NSA and NRO as "fragmentary and of little value" in the case of the former and as collecting "far more information than we can process" in the case of the latter. This will come as a shock to both the disarmament community and war-planners at the Pentagon who rely on NRO imagery and NSA communications and signal interceptions for monitoring weapons programs and military maneuvers. Over the years, the NRO and NSA have frequently supplied data pointing to future military events and strategic trends that the CIA simply failed to analyze. For example, there was sufficient intelligence pointing to the Soviet invasion of Czechoslovakia in 1968, the October War between Arabs and Israelis in 1973, the Iraqi invasion of Kuwait in 1990, and Indian nuclear testing in 1998. Unfortunately, the CIA failed to interpret the data in each of these cases.

Hulnick is also so focused on his rearview mirror when examining the CIA that it is difficult for him to look forward. He denies that there has been politicization of intelligence analysis and states that the "alleged failure to predict the fall of the USSR was... incorrect." How did he come to this conclusion? Perhaps because his major source for the CIA's so-called accuracy regarding the collapse of the Soviet Union is Douglas MacEachin, the director of intelligence on the Soviets in the 1980s and the one agency official most responsible for the failure. Hulnick would have a hard time con-

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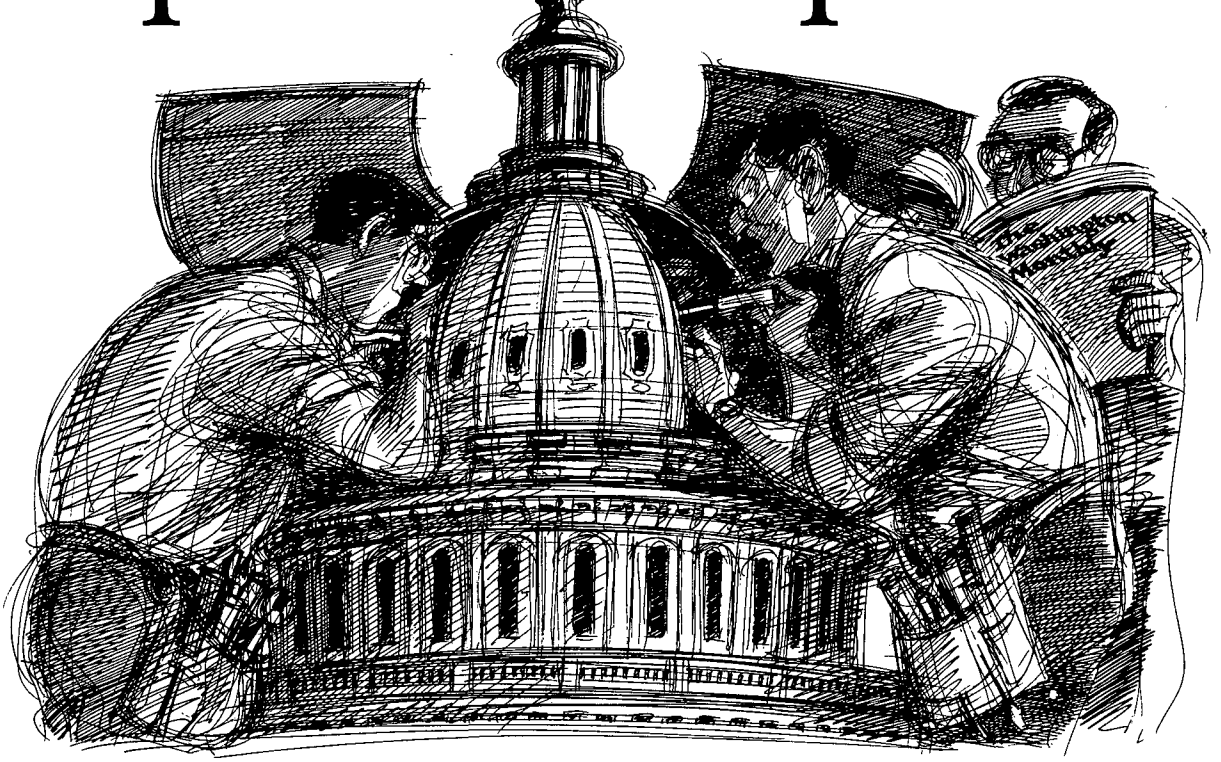

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vincing former president George Bush and his national security adviser, Brent Scowcroft, who recall no CIA warnings about the Soviet demise or the collapse of the Berlin Wall. He would have an even harder time convincing former secretary of state George Shultz. Shultz believes that the CIA's analysis of the Soviet Union was "distorted by strong views about policy" that blocked any discussion of Soviet weakness.

Despite the evidence of politicization that was introduced into the confirmation hearings for Robert Gates in 1991, Hulnick argues that former Director William Casey "never actually suppressed the judgments of his more neutral analysts." Hulnick also does not mention the CIA's assessment in 1985 of a non-existent Soviet plot against Pope John Paul II or a wildly off-the-mark estimate of a Soviet threat to Iran, which had been used to justify arms sales to so-called moderates in Iran. Even Gates acknowledged at the hearings that he watched Casey "on issue after issue sit in meetings and present intelligence framed in terms of the policy he wanted pursued."

Despite the difficulty in gaining access to agency documents on covert action and clandestine collection, the book argues that the "American intelligence system has become the most open in the world" and that certain aspects of intelligence have become "so open that little secrecy is left." This is a shocking observation in view of the recent remarks of William Z. Slaney, the respected historian of the State Department, who criticized the CIA's refusal to release certain historical documents as "unreasonable." Several years ago, the CIA agreed to release documents dealing with covert actions for publication in the official Foreign Relations of the United States (FRUS) series but current CIA director, George Tenet, has blocked their release.

Former directors Casey and Gates are credited by Hulnick for creating this "environment of openness." In fact, they were responsible for the cover-up of intelligence that recorded CIA awareness of Contra drug sales in the United States, capital crimes committed in Central America, and human rights abuses in Guatemala. All of this activity should have been reported to the Justice Department and the Senate Select Committee on Intelligence. William Webster, Gates, and Deutch, moreover, were responsible for the dissemination of tainted intelligence to Presidents Reagan, Bush, and Clinton concerning Aldrich Ames.

In his own campaign against openness, Hulnick favors keeping the intelligence budget secret ("the intention of the Founding Fathers, as we know from the documents in the Federalist Papers," according to Hulnick). He thus ignores Article I, Section 9 of the Constitution, which states that "a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time." The reader can therefore choose between Hulnick's interpretation of the Federalist Papers and the Constitution of the United States.

Hulnick agrees with George Tenet that openness has gone too far and that the CIA has become "so open that little secrecy is left." The author's reform measure in this category is bizarre: Establish a "display at an existing facility, such as the Smithsonian's Museum of American History," to show the public some of the agency's "more interesting artifacts." Since "there is nothing wrong with the present system," the only reform steps he endorses are a 10-year statutory tenure for the agency director, getting the CIA out of suburban Virginia, ending the Congress' micromanagement of the agency, and increasing salaries to end the brain drain.

Unfortunately, systemic problems receive little scrutiny from Hulnick and he leaves major issues unaddressed. What is the proper role for espionage and covert action in the post-Cold War era? What is a proper level of expenditure for intelligence? How can intelligence reporting and analysis be protected from policy bias? Which intelligence programs are making a difference in addressing national security threats and which programs can be reduced or abandoned? What can be done about the militarization of the intelligence community and the redundancy in military intelligence? How can the process of intelligence oversight be fixed? It remains a feckless exercise to discuss reform of the CIA without at least addressing these questions.

MELVIN GOODMAN, *professor of international security at the National War College and senior fellow at the Center for International Policy, was a Soviet analyst at the CIA from 1966-1986.*

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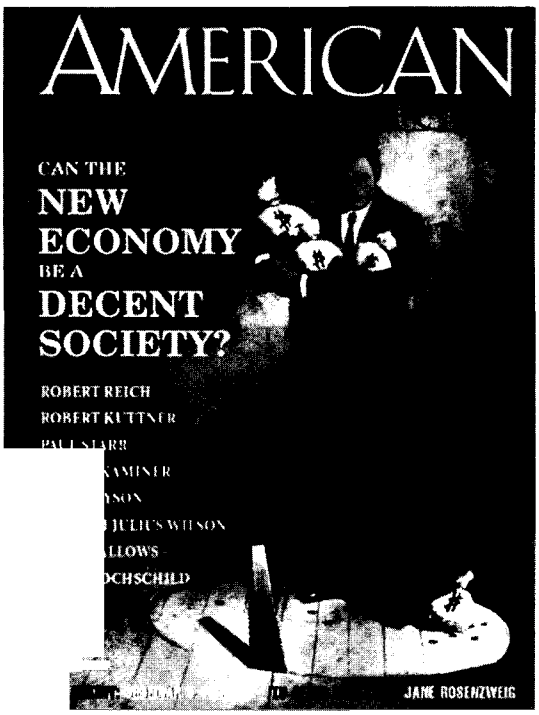

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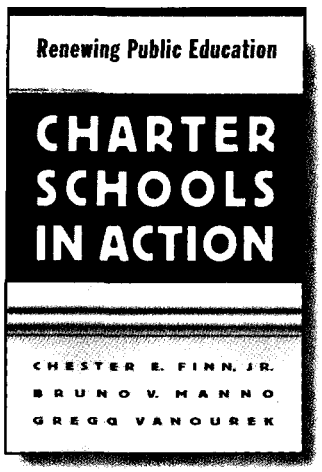

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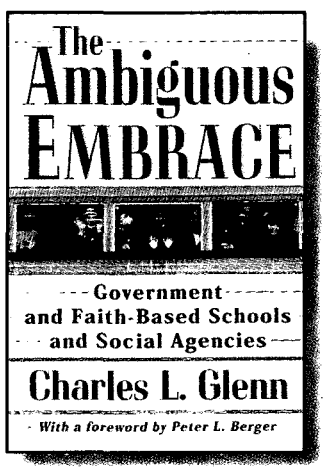

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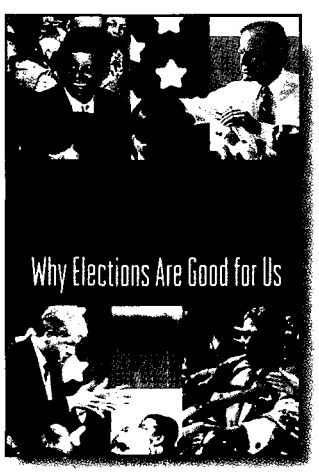

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